







THE MODERN DEVELOPMENT OF  
CITY GOVERNMENT



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# The Modern Development of CITY GOVERNMENT

IN THE UNITED KINGDOM  
AND THE  
UNITED STATES

BY

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## PREFACE

THIS book is the outcome of research spread over the years from 1918 to 1926. The greater part was done during three years at Oxford and one year at Princeton. My interest in the subject dates partly from undergraduate work at Hamilton under Professors Davenport and Clark and partly from participation in municipal discussions and lectures in Utica immediately after the War.

At the outset I was a believer in centralization ; but, as the evidence began to unfold, my opinion reluctantly but none the less surely changed to a profound suspicion of the wisdom of central interference in city government. This and the belief in the efficacy of a tax on the capital value of land as part of a sound system of taxation are the main conclusions.

I have to thank too many people to hope to mention all by name. Public officials of both nations were ever willing to assist, and gave freely of their time and interest. A similar acknowledgment must be made to the staffs of the various libraries where much of the study was done. Mr. J. J. Clarke of Liverpool University and Mr. G. Montagu Harris of the Ministry of Health have kindly read the manuscript, and have made several valuable suggestions. The chapter on the Finance of the City owes a similar debt to Professor Macgregor of Oxford. Finally, my chief debt is to Professor W. G. S. Adams, my Oxford supervisor, who guided my study from its commencement.

LIVERPOOL, *December* 1926.



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## INTRODUCTION

THE population both of Great Britain and of the United States is rapidly becoming urbanized. The majority of the inhabitants of the United Kingdom have been city dwellers for many years, and the 1920 census of the United States reveals that the rural population for the first time in its history is now definitely a minority. The consequent problems are rendered much more difficult by the tendency of the cities themselves to cluster in more or less well-defined metropolitan areas.

The distinctive problems of city government justify treatment apart from the more general considerations of local government. The line is very difficult to draw between an urban and a rural community; but it is quite evident that the state of affairs in a city, where one cannot hope to know personally more than a fraction of the inhabitants, is inherently different from that of the village, where it is possible for each inhabitant to be acquainted with the rest. Class lines may be sharply drawn in either case, but in the former there is bound to be a lack of that personal contact which does so much to promote understanding in the latter. Accompanying this lack of acquaintance is the inevitable danger of a loss of the 'community sense'. Municipal self-government seems to be the most hopeful method of guarding against such a loss.

Moreover, the fact that large numbers of people are crowded into a small area involves other and perhaps no less important consequences. Restriction upon personal

liberty must increase with the multiplication of the number of adjustments necessary to a well-ordered group life. Division of labour makes possible communal mass production in many services which in the rural districts would be left to the individual. Finally, it is evident that the very number and diversity of the population make possible development under municipal auspices of educational and recreational programmes which have as yet been only partially realized. All of these considerations point to the problem of municipal government as one both important and distinct, and hence one whose separate treatment is justified. The fact that the wants and needs to be satisfied are inherently the same in the cities of both countries assures the interest and importance of comparative study. The cities of any civilized country face much the same problems—adjustment of personal interests to the common good, conservation of health, arrangements for leisure time, training the future citizens, caring for dependents, and provision of public service. The political and economic aspects involved in the solutions of these problems are scarcely less important than their technique.

Yet it is noteworthy that there has been no comprehensive history of city government, either of the United Kingdom or of the United States. There have been histories of individual cities—much more frequent in the United States; and histories of individual functions—more carefully and thoroughly done in the United Kingdom. There have been occasional summaries of the course of city development in each country—some of them showing considerable acumen. Books descriptive of the municipalities of the present day are fairly numerous. There are also occasional studies of some particular city problem, other than functional—such as McBain's *Home Rule* and Grice's *Central and Local Finance*. The one or two comparative studies that have been attempted between the cities of the two countries have suffered from

the fact that their basis is descriptive, rather than historical.

Thus, in a field where the work already done has been so uneven and piecemeal, a study intended to be somewhat comprehensive must to a considerable extent perform the assembling function from works of the type mentioned. However, these secondary sources are by no means sufficient, and a large part of the present study has been derived from the primary sources of government documents—both central and local. The relative absence of local histories in the United Kingdom has made difficult an appreciation of the purely local point of view, particularly in the earlier decades. To a limited extent this difficulty has been overcome by investigation of the reports and minutes of typical cities, but these leave almost untouched the municipal questions which occupied public opinion and which gave so much local colour to early American city history. Therein lies a rich and relatively untouched field for future research.

The present study seeks to arrive at a comparative analysis of the cities based on their course of development. It does not claim to be an adequate history of the cities of either country; much less, a study of the technique of the city functions. Items that proved of transient interest for the most part have been discarded—however important they may have seemed in their day. Phases of the story of city government in either country which (although permanent in their effects) furnish little of *comparative* interest, have been reduced to small proportions. This permits concentration upon the few really great contributions which the cities of either country seem to have made towards a solution of problems that are common to both. This implies a study in political science, rather than in history.

For such a purpose, the period subsequent to 1870 is of more value than the earlier years. This was the time when the city in the modern sense came into being. In



the United Kingdom it coincides with the expansion in education and public health, as well as in other functions. In the United States 1870 was the time when the cities were at their low ebb of corruption, inefficiency, and state interference. In the case of the latter country, the struggle for emancipation from these evils overshadows in interest and importance a functional development even greater than that of the United Kingdom. Furthermore, prior to 1870, local government as a science scarcely existed.

The problem of municipal government did not really emerge in clear outline in the United States till almost the end of the last century. There was a confusion in men's minds with regard to most of the major problems—finance, framework,<sup>1</sup> function, central-local relations—which has inevitably reflected itself in a confused and obscure history. This was only relatively less true in the early days of England, and of late it seems probable that clarity of thought on the subject has proceeded farther in America—thus reversing the former position. Hence generalizations must always be accepted with reservation, and furthermore any interpretations or analyses of movements must be buttressed with considerably more of fact than has been the case in certain of the earlier studies relating to city government. Also criticism in a comparative study is of necessity *relative*, and hence Americans must not be surprised when their citizens are spoken of as 'interested in city government'. Nor must the British wonder whether favourable comment upon the 'spirit of public service' of their municipal councils is really justified. By a knowledge of the reasons for the superiority of one nation in a given matter the other can more intelligently set out to remedy its own defects.

<sup>1</sup> This term has been employed throughout, in place of the English term 'constitution', in order to avoid any confusion with the special American use of the latter.

The method followed is, in the first place, to consider the evolution of the cities with emphasis upon the unfolding of the problems common to both countries; and secondly, with this historical background in mind, to concentrate attention upon each in turn of the few major problems inherent in city government.

In the case of the United States, extreme decentralization has given to its city development an appearance of smoothness in its general course, which contrasts with the rather spasmodic development in the United Kingdom, where the cities are under the control of a single Parliament, and where a single law may profoundly affect their whole nature.

The two chapters on city government prior to 1870 are introductory in nature. While the author believes that the authorities used are reliable, he has made little or no attempt to verify their conclusions from original sources. The intention of these chapters is to give in summarized form the minimum of material necessary to account for the cities as they existed in 1870, particularly with reference to the elements in which the two countries exhibited great differences.

After 1870, the writer is faced with a dilemma. If the history of city development in either country is treated in its entirety before that of the other is considered, the comparative aspect is in danger of being lost. If, on the other hand, the history is broken into small parts with each country considered alternately (e.g. a treatment by decades), it is at a sacrifice of continuity of thought, and the reader is confused. A compromise has been chosen, and 1900 arbitrarily fixed as the point of division. Thus the developments in each country from 1870 to 1900 are first considered, and the comparison at the opening of the twentieth century stressed accordingly. The way is then open for a parallel consideration of the means whereby the cities of each country have responded to the much greater expansion of function since 1900.

There are at least three methods of treating city history, each with its own limitations. The first of these is to consider each fundamental force separately, finding each of its manifestations, seeking the way in which it coloured and moulded a decade's development. The constant danger of this method, is that one may obtain a disproportionate view of the whole, and fail to realize that a given fact is usually the product of many and complex factors and not of one alone, however prominent this one may appear to be.

The second possible method is to recount the facts as they occur, analyzing each in turn for the motivating powers. Here the danger is more obvious. It is that of being so lost in a mass of detail, in a mere chronology, that one loses sight of the big things that unify the whole.

The third method, or the one chosen, is a combination of the two—even at the risk of repetition—seeking to maintain both the perspective of the major factors and the insight into the varied forces.

The treatment of functions is incidental throughout, save as the functional development may shed light on the political development. Accordingly, consideration of the technique of functions has largely been omitted. In so far as they reveal a difference in political philosophies the local developments in education assume a significance somewhat greater than any of the other functions. A nation's education is an epitome of the things which the present generation consider most of value for the next.

Aside from the performance of functions, the three chief problems facing any city concern the framework of government, finance, and relations with the central authority. How the American cities struggled against a framework based on defective political theory, and how the framework of the British cities—so long satisfactory—has come to exhibit weaknesses, are in themselves inter-

esting stories. The interest becomes the greater when it is appreciated how much light the experience of each country sheds upon the problems facing the other.

It is much the same with finance. Strange as it may seem, the revenue systems apparently overshadow in importance the methods of expenditure control. The former contain the key to much that is otherwise perplexing in contrasted functional development and central-local relations.

The problem of the relations of the city and the central government has been more discussed of late in the United Kingdom than in the United States. More perhaps than any other problem, this requires historical and comparative treatment. The numerous treatises advocating centralization in the United Kingdom have created a presumption in its favour, which does not seem to be justified when the subject is considered—not in isolated instances—but as a general policy extending over a number of years.

Of the more intangible matters, the question of corruption in city life plays so large a part in American development that it merits special treatment—the more so, because of the very considerable light which the experience of the British cities can shed on the matter.

Though starting with a joint heritage and a common legal basis, each nation has curiously enough developed a system which, in most of its essentials, is entirely different from the other. Under these circumstances a comparative study seems justified. One has a right to expect that thereby much light will be shed upon many of the matters which have perplexed the student of city government.

*"The functions which the Congress are to discharge are not those of local government but of national government. The greatest solicitude should be exercised to prevent any encroachment upon the rights of the States or their various political subdivisions. Local self-government is one of our most precious possessions. It is the greatest contributing factor to the stability, strength, liberty, and progress of the nation. It ought not to be infringed by assault or undermined by purchase. It ought not to abdicate power through weakness or resign its authority through favor. It does not at all follow that because abuses exist it is the concern of the Federal Government to attempt their reform."*

CALVIN COOLIDGE.

(Message to U.S. Congress, December 1925.)

PART I  
HISTORICAL



# I

## UNITED STATES CITIES BEFORE 1870

*The English origins—The changes brought about by Dutch and indigenous influences—Variety—Origins of the rating system—Local self-government: its freedom, instinct, and spirit of public service—Further divergences during the Revolution and after—The crystallization of the legal basis under the written Constitution—Separation of powers as applied to cities: its evolution and results—The interpretation and application of democracy—Decay in the spirit of public service—Decline in local self-government, and lack of interest in city government principles—Education state-aided, but locally free—Analysis of the situation in 1870: weakness, strength, trends.*

### THE COLONIAL PERIOD<sup>1</sup>

§ 1. *The period of British rule.* The significance of the Colonial period lies in the fact that the basis was then laid through the common sovereignty of Great Britain for many of the elements still held in common by the cities of the two countries. The great divergence noted to-day did not always exist; and, great as that divergence is, there are left many elements in American cities which are the heritage of Colonial days. Of these similarities, the common legal basis has been the most persistent. The 'rule of law', already crystallized in England, was transferred to her Colonies; and their cities were restricted—at least nominally—to enumerated powers. The English common law became the Colonial common law. However, even in these early days, there were conspicuous

<sup>1</sup> Cf. Bibliography, pp. 635-641, for works consulted.



differences between England and America. These must also be accounted for and analyzed.

§ 2. *Early variety of type.* The early urban communities, small though they were, exhibited much of the variety of framework which has always been characteristic of American cities. This was in part owing to the variety of sources from which they derived their charters or forms of government. The Thirteen Colonies were themselves possessed of widely differing degrees of power and forms of government—and one of the minor points of such difference concerned city government. For instance, William Penn was specifically granted the right to incorporate cities,<sup>1</sup> while in 1723 the Lords Justices of England disallowed the action of the South Carolina legislature in its incorporation of the city of Charleston.<sup>2</sup> Some charters were royal in actuality as well as in form, while in others the Colonial governor seems to have borne the major responsibility—often in direct response to the will of the inhabitants. Initial incorporation of cities by Colonial legislatures was jealously regarded; yet many cities even in Colonial times seem to have sought extensions of power from their own legislature and not directly from royal authority. There were no contributions of lasting importance in charter framework from other than English or indigenous origins. The Dutch government of New Amsterdam gave place to only a slightly modified English type.

§ 3. *The charters similar to English cities.* To this variety of sources must be added the fact that in English cities also there were great variations of type—whence ultimately the models were furnished. The terminology and even the main lines of all charters—both British and American—were quite similar; yet considerable variation occurred in both countries in the powers of the mayor,

<sup>1</sup> 'To erect and incorporate Towns into Boroughs and Boroughs into Citties.'—*Charter of Chas. II to William Penn.*

<sup>2</sup> On petition of the inhabitants to the Justices.

the composition of the council, the judicial and parliamentary functions of the corporation, and the extent of popular participation.

There was not a great divergence between the English charters and those granted to Colonial communities. It has often been remarked that the charters of Colonial cities contained only a few of the close corporation type—and a satisfactory reason has never been adduced for this. A close examination of British charters of the same period does, however, shed some light upon the problem. Thus during the first few years of the reign of Charles II, there were several fairly democratic charters granted English boroughs.<sup>1</sup> It was during this time that the democratic charter was granted New York City (1665)—which may well have furnished the precedent for both its own later charters and those of Westchester and Albany. English charters in the subsequent years of Charles II and in the reign of James II were almost exclusively of the close corporation type, due to the efforts of these monarchs to control Parliament. In the joint reign of William and Mary, instances of democratic charters occur; but vanish after the first two or three years.<sup>2</sup> The charters granted from about 1690 through the reign of the first two Georges were almost without exception of the close corporation type. These were the years when the similar phenomenon appeared in America.<sup>3</sup> How then account for the exceptions? Only conjectures can be made, but the exceptions were almost entirely in the relatively democratic states of New York, New Jersey, and Pennsylvania—where it seems that the initiative

<sup>1</sup> e.g. Norwich, Wisbech, Kingston-upon-Hull. Elections were by the 'freeholders', 'burgesses', or 'freemen'. (*Analytic Index of Charters, First Report of the Commission on Municipal Corporations*, H.C. 116, 1835, pp. 132 ff.)

<sup>2</sup> e.g. Southwold, Dunwich (*ibid.*). 'Undemocratic' charters were equally frequent.

<sup>3</sup> Philadelphia 1691, 1701; Williamsburg 1722; Norfolk 1736; Annapolis 1708; Germantown 1691.

often came from the cities themselves and the charters were granted largely through the instrumentality of the governor.<sup>1</sup>

Thus the divergence in this matter between the two countries was not as great as has been commonly supposed. In addition it must be borne in mind that the purpose of charter creation at this time in England was predominantly parliamentary; while that in the Colonies was largely civic. The very lack of representation in the Imperial Parliament of the Colonies and their cities would seem to have saved them from the fate which overtook so many of the more democratic cities in England—whose charters were abrogated and replaced by ones which installed in power a clique favourable to the king.

§ 4. *Extent of English influence.* Added to these tangible contributions of England to the American city development, was the greater, though less definite, contribution of the common race.<sup>2</sup> There is no need at this point to stress what this heritage of common traditions, common language, and common political instinct has meant. The whole of the later course of development emphasizes this.

Hence the Colonial cities owed to England, and held in common with English cities, the same legal basis and the same type of framework. The peoples were branches of the same stock. The legal basis was later to be somewhat altered and the framework changed almost beyond recognition by divergent political theory.

§ 5. *Influence of the Dutch.* Even in Colonial times differences in local government appeared between the two countries—not to be accounted for by accident. It seems likely that the Dutch influence as well as the practices

<sup>1</sup> e.g. Five New Jersey cities (1718-1756)—*Charters from the Governors.*

<sup>2</sup> 'It is right to refer to England as the Mother Country. This is justified, not because it is propaganda, but because it is true.' (*Report of Committee on Origins of American Institutions*, New York State Department of Education, 1922.)

more indigenous to the Colonies themselves were largely responsible. The extent of the Dutch influence on the cities offers a fruitful field for research.<sup>1</sup> It was more than would be accounted for by the handful of people comprising New Netherlands. One has only to recall the fact that the young Dutch Republic represented probably the highest development of civilization in the seventeenth century—being greatly in advance of Europe in her democratic form of government, her schools, and her devotion to freedom. It is not generally realized the extent to which the northern and middle colonies were exposed to Dutch influence. Holland had been the haven of many of the Puritans; New York and northern New Jersey were already Dutch; and William Penn (his wife Dutch) spent many of the years of his early maturity at Emden.

The coincidence of the local free schools of the Colonies with the centres of Dutch influence may be largely accidental; yet when one contrasts the state of affairs in Stuart England, it seems more than likely that if the whole truth were known it would be found that the system of public free schools was partly Dutch in its inspiration, and perhaps in its origin as well. It is significant that in New York the vigorous education of the Dutch suffered a marked blight which coincided with the superseding of their authority by that of the English. It is even more significant not only that the colonies from Maryland south (wholly English in their origin and influence) had no such devotion to education; but that in the other colonies as well a blight came over the free education as the influence of Holland waned.<sup>2</sup>

<sup>1</sup> 'How the Written Ballot came into the U.S.', Campbell. (*Papers of the American Historical Association, Report of 1890.*) *Memorial History of the City of New York*, ch. iii, Van Pelt.

<sup>2</sup> After 1702, New Jersey seems to have had little or no public school legislation. The new charter of Pennsylvania (1701) made no mention of schools; and thus the earlier legislation (extending even to compulsory education), under the vigorous support of William

§ 6. *Peculiar political beliefs of the Colonists.* The differences with England for which the Colonists themselves may be held more directly responsible, centre largely around their political beliefs. Democracy is a relative matter; and yet, at least in the northern and middle colonies, it was more than a mere phrase. It will be remembered who these people were—that many of them had come to America for the sake of freedom, and represented the removal from England of a large percentage of their most democratic and enlightened population. The Calvinistic element, with its belief in the democratic church, was very strong; and the Quakers controlled Pennsylvania for a time. Added to this was the intimate character of their communal life and the absence of extremes of wealth and poverty. Finally the mere fact of a break with the old order was in itself a stimulus to challenge the political and social practices of England. All these factors made for the setting up of social and political organisms north of Maryland, which—if actually originating little as to framework—did represent the almost necessarily democratic character of a frontier life.<sup>1</sup>

§ 7. *Spirit of local self-government.* A high standard of public service accompanied this democracy. Local self-government was intimate, and at times its theological bias gave it the character of government by legalized conscience.<sup>2</sup> There was no abuse of local government for parliamentary purposes, such as had played so prominent a part in the degeneration of English cities.

Yet it was this local self-government itself—fused as it was with democracy and the spirit of public service—

Penn, was allowed to lapse. Massachusetts and Connecticut alone seem to have retained something of their earlier vigour.

A similar instance was the policy of the Swedes in Delaware. They also set up schools, which languished with the coming of English rule.

<sup>1</sup> Cf. article, 'Suffrage', in *Encycl. of Amer. Government*.

<sup>2</sup> For instance, the colony of New Haven adopted as their code 'The laws of God'.

that furnished perhaps the most interesting study. Here also the impression of Holland was undoubtedly present; but the chief explanation must be sought for in the Colonists themselves. It is a unique testimony to the strength of the Nordic instinct that, when local self-government was denied expression in the old England, it found it in the New. This is the meaning of the New England town meeting, of the village communities along the Hudson, and of the tiny cities of the Middle States. The completeness and freedom of the community life made possible the realization of what England herself had lost since the Middle Ages.

Much that was fine in the later development of American cities can be found in those of Colonial days. Education was advanced by the free will of the citizens in their corporate capacity, and the tradition of its *local* character established. Other functions likewise were evolved, free from any form of central interference.

The methods of meeting local financial needs varied,<sup>1</sup> but in the social conditions which favoured land and home ownership can be found the key to the reason why this, rather than occupancy, ultimately came to be the predominant basis of local assessment. A man's ability to pay was to be measured by what he owned. From this was to evolve the contrast with the English system of local revenue—where the semi-feudal character of the land tenure brought such divergent results.

How much of the strength of the new American Republic came from these little 'nurseries of citizenship' can scarcely be overestimated. It is better in this matter not to attempt to draw a distinction between town, village, borough, and city; for the form of local government mattered relatively little under Colonial conditions. What did matter was the fact that from the first the American communities, especially from Pennsylvania

<sup>1</sup> The origins and early history of local taxation offer a fruitful field for research.

northward, enjoyed a local self-government that became a tradition and a 'right' not lightly to be thrown aside in future days.

§ 8. *The cities in 1775.* The dawn of the Revolution found about fifteen boroughs or cities<sup>1</sup> living under charters of almost as many types; and ranging in size from mere hamlets to the urban centres of New York and Philadelphia. Three (Boston, Charleston (Mass.), New Haven) of the largest five communities were as yet not formally incorporated, nor in the whole of New England was there a single instance of a municipal incorporation. The local development in all the colonies had been arrested by the approach of the national struggle.

There is but little that lends itself to generalization with regard to these communities. In many respects the southern colonies differed more from the northern than did either from England. It is not surprising then that the variety in the development of the local government was greater in the Colonies even than the great variety then exhibited in the English cities. Only the beginnings could be noted of the later development of voluntary similarity.<sup>2</sup> The cities were English in many of their traditions, in their legal status, and in their framework. To Dutch influence may be traced much of the enthusiasm for education; but the Colonists themselves, through their own initiative, must be credited with the really remarkable achievements in democracy, standard of public service, and local self-government. These marked most of their cities and towns of a genus already distinct

<sup>1</sup> New York, Albany, Perth Amboy, New Brunswick, Burlington, Trenton, Elizabeth, Philadelphia, Chester, Bristol, Lancaster, Wilmington (Del.) (Borough 1739), Annapolis, Norfolk, Williamsburg, Bath (N.C.). Agamenticus, Kittery, Westchester, Germantown, St. Mary's, Charleston (S.C.), either lapsed or lost their incorporation. (*N.B.*—This list is probably not complete and may not be accurate.)

<sup>2</sup> Connecticut modelled its school law after that of Massachusetts. The ephemeral charter of Charleston (S.C.) was copied from that of New York City.

from that of the English towns of their day. Corruption, use for partisan and parliamentary ends, and much of the oligarchic character of the English towns of the Stuarts and the Georges, had no place in the freer atmosphere of the New World.

## 1775-1870

§ 9. *The Revolution and the change in legal basis.* The war of the Revolution added a political cleavage to the break already noted between the free cities of America and the corrupt royal boroughs of England. During the years of the war the few city governments actually in operation were often suspended. Little definite permanent result followed from this period or from the more or less chaotic years which came after. National affairs dominated to the virtual exclusion of thought on local government.

The divergent constitutional theories of the two countries began to show their effects. There could be no solution of city government to parallel the English Municipal Corporations Act of 1835; for, under the Constitution, the states did not delegate the control of local government to Congress. Hence each state was to be its own master in the matter, and, unlike England, variations in type and development were to continue.

Before the Revolution the cities had been accustomed to go to the Colonial assemblies to obtain any grants of power not covered in their royal charters. Instances occurred, by no means wholly unsuccessful, in which an assembly itself assumed the charter-granting authority.<sup>1</sup> This made it natural that incorporations subsequent to the Revolution should be by legislative authority. As

<sup>1</sup> By 'Proprietors, Freeholders, and Inhabitants' of West New Jersey the Assembly (1677) is empowered to 'direct and appoint . . . Cities, Ports' . . . vol. i, p. 267, chap. xlv, of *Charter or Fundamental Laws of West New Jersey*. Attempts by Maryland and South Carolina legislatures were disallowed.



the power of the Throne in the matter in England had become largely a fiction, the actual practice was thus fairly identical in the two countries—at least immediately following the Municipal Corporations Act of 1835. The American device of Constitutional limitations on the legislatures in the matter of local government, even as late as 1870, had not greatly altered matters. Thus 'charter rights' (in America as well as in England) became no longer inviolable; and were reduced to the position of statutes, subject to change at any time by the legislative body that passed them.

§ 10. *Unconscious character of municipal evolution.* The evolution of city government was dominated throughout the period by the largely unconscious operation of two principles that had become cardinal in American political theory—separation of powers and democracy (or popular sovereignty). As in England, the instances of constructive thought upon municipal government were not frequent; but in the second half of the century the very exigencies of the decay of the cities forced a deeper degree of attention to its causes.

The freedom of experiment in charter-making and the consequent variety of type have seldom been so illogical as during these years. Each new creed introduced into American cities was never introduced universally, simultaneously, or uniformly. Over a long period of time it was more likely to be grafted on in varying measure, now to this city and now to that. Thus if the original charters were diverse, the resulting charters were hopelessly conglomerate.

§ 11. *Separation of powers.* Thus it was with 'separation of powers' as a principle affecting charter-making. Operating on originally simple charters, this principle was one of the chief factors in creating the confusion of responsibility that gave the opportunity for the party machine and corruption. In the earlier half of the nineteenth century, the larger American cities had shown

every sign of developing government by committees of the council. Thus the course of the cities gave promise of being not unlike that of England. However, by 1850—by accident or design—scarcely a city could be found that had not abandoned the appointed or council-chosen mayor for one chosen by the electorate.<sup>1</sup> Once the mayor was free from legislative control, it was not surprising that he acquired more and more executive powers.<sup>2</sup> This presaged the time when, disgusted with the councilmen and despairing of legislative relief from the state, the cities were to turn to the popularly chosen executive as the personified defender of their rights against corrupt and inefficient legislative bodies. By 1870, his great prominence in the public eye had obscured the council to a degree not warranted by a corresponding shift in power.

§ 12. *The democratic motive and education.* The evolution of the democratic motive was much more complex. It was to be expected in a government based on the theory of popular sovereignty that franchise extensions would take place. Such proved to be the case, but the extension went beyond those capable of its exercise. The history of certain of its results in connection with the extension to the immigrants of the '40's and later, and to the negroes, lends a certain amount of support to the feeling that perhaps the slower extension which was the policy in England may have been ultimately wiser.

On the other hand, this same democratic motive was unquestionably the basis for much of the growth in public free education. Two typical statements will illustrate the truth of this. In 1782 Governor Clinton of New York declared that:

'It is the peculiar duty of the government of a free state, where the highest employments are open to citizens

<sup>1</sup> Cf. McBain, *Evolution of Types of City Government in the U.S.*, at National Munic. League, Nov. 25, 1916. Dates given for popular election are Nashville, 1806; Boston, 1822; St. Louis, 1822; Detroit, 1824; etc.

<sup>2</sup> Ibid.

of every rank, to endeavour by the establishment of schools and seminaries to diffuse that degree of literature which is necessary to the due discharge of public trusts.'<sup>1</sup>

The sentiments of the North-West Ordinance of 1787 were similar:

'Religion and morality and knowledge being necessary to good government and the happiness of mankind, schools and means of education shall forever be encouraged.'

Thus in all states save in the South it was not long before the schools became the logical expression of much that was highest in the philosophy of democracy—the picture of a people resolutely setting itself to the task of making its future voters fit for their responsibility. By 1841, Governor Seward of New York could speak with regard to the 5 per cent. of the children as yet unreached by the schools of his state, 'I solicit their education less from sympathy, than because the welfare of the state demands it, and cannot dispense with it. As native citizens they are born to the right of suffrage.'<sup>2</sup>

The growth in education shows a curious and not unhappy mixture of the old 'local self-government' motive noticed in Colonial times,<sup>3</sup> and the new 'citizenship' motive which so characterized the efforts of the states and the nation. Jointly these two motives largely furnish the key to the earlier, more vigorous, and ultimately more extensive development of mass education in the United States than in England. The course of their operation thus becomes interesting and important.

With numerous exceptions, local public opinion at the beginning of the century needed a large amount of

<sup>1</sup> Governor's message, 1782.

<sup>2</sup> Lincoln, *Constitutional History of New York*, vol. iii, p. 887.

<sup>3</sup> Louisville and Buffalo were the pioneers in the 'city system'. Akron for a long time was educationally ahead of other Ohio cities due to local development instead of the usual nebulous state relationship. Cf. Orth, *Centralization in Ohio*, p. 36 f.; Dexter, *History of Education*, p. 106. Dexter and Cubberly have been largely followed in this and the following paragraphs.

rousing to the support of the schools. The leaders of the states took the task in hand; and in the years from about 1825-1850, state subsidies to local units were freely used. In 1836-1838 the state school funds were greatly augmented by the transfer of the surplus revenues of the Federal Government. With scarcely an exception the states adopted the policy of devoting the entire amount to the furtherance of their various educational agencies. Though the aid was not always large, it usually proved sufficient to win over a majority of the electors to the support of the schools; and the free public school systems, except for the South, were both well grounded and substantially universal by 1850. The greatest service of these state funds had come in the early period of the schools when there was opposition to be overcome and indifference to be broken down. They made the free school system possible considerably ahead of the time it otherwise would have developed. The period of contempt and suspicion was tided over, and local taxation, chiefly in the poorer sections, was eased in hard times. Thus the set backs were few. These funds provided the means of leverage needed for introducing a tactful and effective degree of central stimulation or supervision in the initial stages or in rural districts, in matters of length of year, compulsory education, quality of equipment, and the later developments, such as industrial education, physical training, and the continuation schools. The detailed inspectorate of the English Board of Education was inconceivable. The value of such aid has been not so much in the size of the land grants, but rather in their use at critical times.

§ 13. *Local self-government and education.* The rarity with which the state forced the hand of a locality in education has been remarkable in the history of American schools. The state tended rather to allow a law to exist unenforced for a few years in the few communities not immediately complying—feeling confident that it would

be a question of only a short time before the spirit of emulation would secure voluntary compliance. The significance of this will appear as the divergent history of central-local relations unfolds in the two countries.

Even as early as 1850, and almost universally by 1870, the cities took matters out of the hands of the state. The preliminary stage of encouragement through subsidy had done its work in them earlier than in the country districts; and no maximum seems to have been imposed. Thus when education had developed its own support locally, the cities, free as they were from administrative control, began to evolve their own programmes. At a time when English cities in their corporate capacity had done nothing, every city in the United States of any importance had its own superintendent of schools or paid executive (1870).<sup>1</sup> Local taxation was now the life-blood of the advance; and the average city considered it a matter of pride to provide adequate free facilities of schooling. The state minimum had largely lost its significance; and the grant-in-aid was being used more for equalization purposes or encouragement of the rural districts. The *ad hoc* school board was steadily gaining ground at the expense of committees of the council, and on occasion was vested with independent taxing power.<sup>2</sup>

§ 14. '*Equality*' and *popular sovereignty*. But other manifestations of democracy were less encouraging. As early as 1780, Massachusetts adopted a new constitution which embodied the principle of *rotation in office*, 'in order to prevent those vested with authority from becoming oppressive'. Not until after 1820 did this principle appear to any considerable extent in the cities—where long terms and frequent re-elections were the rule. By this time the principle of rotation had already begun to be strengthened by the belief that 'equality' implied equality of *ability*; and that any man was thus fit to hold any office.

<sup>1</sup> With the exception of Philadelphia.

<sup>2</sup> e.g. Cleveland.

It was due quite largely to the prevalence of this philosophy that the introduction of the spoils system met with so little protest. The step was a short one from 'equality of ability' to the doctrine that offices should be 'passed around'. This in turn was given further popular support from the feeling that 'to the victor belong the spoils'. When this last stage had been reached, it was apparent that the old attitude of respect for office-holding and the spirit of public service in the office holder were doomed. The belief in equality of ability killed the former, and the attitude that regarded office-holding as a political prize paralyzed the latter. Thus democracy destroyed alike the good and the bad of the old order.

It has been noted that separation of powers was so far defective in its application to city government as to create a situation of divided and uncertain responsibility. This latter was made even more confusing by the ridiculous extent to which the confidence in popular sovereignty placed the choice of one after another petty administrative official in the hands of the people.<sup>1</sup> This was the product of many factors: accident, the functional dominance of framework, the distrust of the councils. Separation of powers itself aided the process. No single motive, however, seems to have been more powerful than this confidence in *vox populi, vox dei*.

§ 15. *Decay through unsound political theory.* One is not surprised that corruption should enter such a fertile field. City government began to decay. Doubtless there were other forces—the materialism of the age, the indifference of the people, the pliability of certain elements in the population; yet the decay lay chiefly at the door of defective political theory. Democracy had early become a fetish; but its content of meaning was not static. The early error of basing political thought on an assumption

<sup>1</sup> e.g. St. Paul, 1868, elected eight separate executive officers in addition to its council.

of equality of ability, and the later development of the long ballot<sup>1</sup> which seemed to assume that this ability was of an order high enough to pick a multitude of local administrators; were interpretations of democracy which time was to prove unsound. Yet in the nature of things these were easy to acquire and difficult to uproot. Rotation in office weakened the foundations of public office as a public trust; and the long ballot made popular responsibility obscure.

The long ballot was merely making worse a confusion which the application of separation of powers had begun. By these two political errors a situation was created that in the first place required an extra-governmental co-ordinating agency; and in the second place made the misuse of power easy. The co-ordinating agency was provided by party. In English cities under the Act of 1835, this misapplication of democracy had not existed; tenure of employees became secure, and responsibility was simple. Under these conditions party was playing a much smaller part in actual administration. In America, on the other hand, it became a necessity.

The transition was easy from the spoils system and rotation to actual corruption. These former had destroyed the notion of public obligation, and implied an attitude toward office-holding which left little room for *noblesse oblige*. Thus American cities fast lost the type of public servant which the English cities were gaining through a retention of the dignity of office. Simplicity in the framework of the latter and confusion in the case of the former respectively but minimized or exaggerated the opportunity for corruption—they can scarcely be said to have accounted for the difference.

§ 16. *Legislative interference*. There were other factors in the decay—perhaps no less important. It will

<sup>1</sup> The term 'long ballot' is used to describe the ballot on which the voter is called upon to exercise his choice for a large number of offices. Cf. Diagrams, pp. 24, 125.

be recalled that in Colonial days—and in the early days of the Republic as well—local government was both wholesome and free; and by way of contrast, English boroughs were neither. It will be seen later that matters were quite largely reformed in England after the Act of 1835 which re-established municipal self-government. The trend in the opposite direction in America was more complex. It is certain that a measure of decay preceded central legislative interference and furnished part of the cause for the latter.<sup>1</sup> It is equally certain not only that the latter brought no remedy, but also (as will appear later<sup>2</sup>) greatly complicated subsequent efforts at improvement.

With a transfer of control of detail to the state, it was but natural that local self-government, already suffering under defective political theory, should be subject to still further decline. Only in education could the old spirit be discerned. Save for instances of actual administration, it is true that state boards held very closely to their tradition of advisory character.<sup>3</sup> Yet the interference of the legislature was often of itself so like actual control that the effects on local self-government were somewhat similar to phenomena observed from time to time in the development of English cities.<sup>4</sup>

§ 17. *Growth of functions.* As if to make matters worse, this period of defective political theory, state interference, and local decay was also coincident with a great growth in functions. The parallel between the waste and inefficiency in the two countries resultant from the failure of framework to adapt itself to function is quite close; but matters were aggravated in the United

<sup>1</sup> Cf. p. 17.

<sup>2</sup> Cf. p. 128.

<sup>3</sup> In police, health, and occasionally other functions there were several instances of such state administration. This development had little permanent effect. Those interested may find brief histories in Fairlie and Goodnow.

<sup>4</sup> e.g. pp. 42, 205, 369, 406.



States where confusion had proceeded farther, and corruption had entered in.<sup>1</sup>

#### AMERICAN CITIES IN 1870

§ 18. *The outlook for the cities.* Though the Colonial days brought a considerable divergence in the courses of the cities of the two countries, the next hundred years rendered this more marked. The lead in the quality of local government which America had possessed at the beginning of this period was lost by 1870, owing to grave defects in the political principles underlying the evolution of her democracy. During the same period England had given her cities good government by setting them free.

What then was the condition of the American cities in 1870? To what pass had the evolution of separation of powers, democracy, and legislative interference brought them? What were the errors and remedies? A brief analysis of these matters will furnish a convenient point of departure for the more intensive study to follow. 1870 was the low ebb of American city government. About this time may be found the turning point in many of the most critical of city government problems.<sup>2</sup> It is this fact which makes it a significant starting point for a history of the modern city development.

§ 19. *Degeneracy of party.* Among the most conspicuous of the evils was the way in which intense partisanship had prevented clear thinking and blighted the spirit of public service. 'The people at the close of the Civil War had rewarded the Republican Party for their great service. The unscrupulous speculators who dealt in local politics as a trade seized the opportunity and forged the "machine". They allied themselves to popular doctrines, preserving the forms but stealing the

<sup>1</sup> Those interested in a more extended study of the period 1775-1870 are directed to the Bibliography, pp. 635-641.

<sup>2</sup> Cf. Introduction.

substance of public liberty. They cunningly bound local issues to national interests, and thus having confused the duties that a citizen owes to the nation, to his state, and to his city, were able to turn to their own advantage his mental bewilderment.' So successfully was this done that 'good men stolidly voted for and argued for the rottenest of local tickets rather than endanger their national party'.<sup>1</sup> Thus party, which was necessary as a servant of a complex city government in order to permit of its operation, in the hands of the 'boss' became rather its master. The occasion for this was often found in the mass of new immigrants, chiefly Irish, who had had little in their past to fit them for a proper use of the free institutions of America. A blame, greater in so far as they should have known better, rests upon the members of the old American stock. In an intense and blind partisanship, they were not disposed to question too closely the methods employed by men like the bosses who were proving themselves so useful in linking up the votes of these newcomers; nor even to deny them the illegitimate perquisites which they exacted.

This corruption, closely related as it was to partisanship, was apparently also at its maximum.<sup>2</sup> Immigration, the appearance of the corporation, the intense partisanship, the prevailing lawlessness, the inadequacy of the antiquated forms of city government, the spoils system—all were related to a degeneracy permitted by a people absorbed in national issues or indifferent through the moral reaction after the war. Percentages on accounts, bribes for services rendered, etc., were winked at; provided only the party end seemed to justify the means used. How the petty local boss dragged through the mire the names of both of the great national parties, forms one of the most absorbing stories of American political history.

<sup>1</sup> Vickers, *History of the Committee of 100*.

<sup>2</sup> For the Tweed Ring, cf. *Memorial History of the City of New York*, vol. iii, var.; Myers, *History of Tammany Hall*; etc.

It was easy for men—once they had adopted the dangerous philosophy that party success would excuse the means used; or perhaps with more truth, if not with higher morality, had begun to excuse their own misdeeds by pointing to similar ones of the opposite party as making them necessary—to consider fraud, bribery, intimidation, and manipulation as a necessary part of an American election.

§ 20. *The rise of the public utility.* Then, too, the public utility company had become a complicating factor in American civil life—to an extent unknown in England, where Parliament was the centre of control and municipal ownership was even thus early appearing as a solution.<sup>1</sup> The American city-dweller—optimistic, proud of his town, and desirous of advancing its prosperity and amenities—had been not only ready to welcome such private companies but eager to extend inducements in the shape of liberal franchises, subsidies, etc. Little or no guarantee was required for future service or compensation for the monopoly privileges. All this must not be judged too harshly. It was a boom age, and even the result must furnish a measure of justification in the fact that partly through these methods, the United States secured these services more quickly and completely than did England. Yet in its possibilities of using for its own ends an already perverted and susceptible administration, a factor was thereby introduced into city life more powerful and able than any hitherto met with. Both the politician and the corporation were quick to see the advantage of arrangements contrary to the public interests; and a further corruption of city government resulted.

§ 21. *Loss of self-government.* The challenge of the state to local home rule was clearly felt. Abuses of this type were never so great.<sup>2</sup> It is quite true that the usual

<sup>1</sup> Cf. p. 53.

<sup>2</sup> e.g. During the three years 1867-70 the number and bulk of municipal laws passed by the New York State Legislature exceeded

beginnings of state interference had been at the urge of patriotic and well-meaning citizens who were seeking a remedy for local misrule. These earlier manifestations of state control had usually been beneficent. It had seemed but natural to look to the source of the charter for aid, when the charter itself failed to work as well as had been hoped. But those who sought this remedy did not appreciate the ultimate consequences. Those very influences, which they sought to eradicate, eagerly seized this new weapon of state interference, manipulated it for selfish and corrupt uses, and often returned with redoubled power. Public-spirited men were some time in perceiving this, but about 1870 the realization came that the wrong road had been chosen.

The return was to prove far from easy. The state legislature had tasted power and was reluctant to yield it. It was also often to the interest of the local political organization to keep the city decisions at the state capital, as the legislature was too busy to give adequate attention to details of city government. Accordingly it could easily be persuaded to act at the behest of a friendly corporation or political leader. Thus the history of American city government since 1870 came to be largely involved in a struggle for emancipation from central control. The struggle was made harder by the constant recurrence of the old temptation to seek relief from oppression or inconvenience by appeal to the state, rather than by local energy.<sup>1</sup>

the entire total in England 1835-85. The year 1870 saw thirty-nine laws for Brooklyn alone. In 1856, the state made changes in the tax rate of N.Y. City. In 1861, the Chicago police force was placed under a state-appointed commission. In 1863, the Democrats came into power in the state, reduced the term of the Commissioners to three years and divided them between the two parties. In 1865, the Republicans restored the six-year term, but gave the election to the voters of Cook County.

<sup>1</sup> The approaching crisis in finance (brought on by the corruption and disorganization more than by a growth in functions) is considered on pp. 62 ff. The chief burden fell on the general property tax, which had now become firmly established as the major source of local revenue.

## NEW YORK CITY CHARTER, 1867

(To illustrate footnote 1, p. 25)

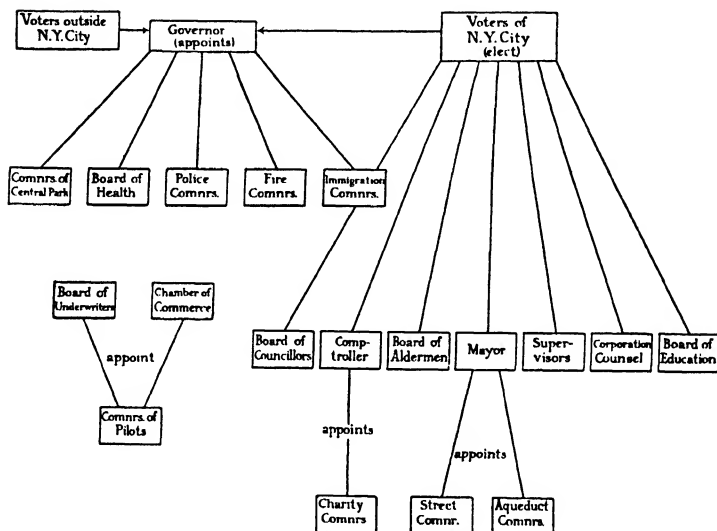


DIAGRAM OF NEW YORK CITY CHARTER IN 1867

- Note: (a) the amount of control exercised by state-appointed boards.  
 (b) the 'long ballot' with its consequent scattered responsibility.  
 (c) the 'bicameral' council.  
 (d) the county government superimposed.

In most charters of the period, the mayor could veto ordinances of the council; but his appointments were subject to approval by the latter.

§ 22. *Confusion in framework.* At this time it could scarcely be said that the American city had a definite charter type. Almost every theory had left some impress somewhere. Most characteristic were the independently elected mayor and the long ballot. The council usually retained the greater power. Yet enough power was diffused through various boards and the multitude of independently elected officials to weaken in actuality as well as in the popular mind any clarity of responsibility that might parallel the simple municipal corporation of England.<sup>1</sup>

§ 23. *Current thought and remedies.* The criticism of the times was singularly wanting in constructive remedy.<sup>2</sup> A steadily growing resentment existed, but the independent mass movements of organized protest that were to come later were virtually non-existent.

It was suggested that the deterioration in the council was due to the fact that there was no direct compensation for the greatly increased services demanded of the council

<sup>1</sup> e.g. New York City (in 1867). 'The mayor has been deprived of all controlling power. The Board of Aldermen (17), the Board of Councillors (24), the Supervisors (12), the Board of Education (21), are so many independent legislative bodies elected by the people. The police are governed by four commissioners appointed by the Governor for eight years. The charitable and reformatory institutions of the city are in charge of four commissioners whom the city comptroller appoints for five years. The eight commissioners of Central Park are appointed by the Governor for five years. Four commissioners appointed by the Governor for eight years manage the fire department. There are also five commissioners of pilots, two appointed by the Board of Underwriters, and three by the Chamber of Commerce. The finances of the city are in charge of the comptroller, whom the people elect for four years. The street department has its head, one commissioner who is appointed by the mayor for four years. Three commissioners appointed by the mayor manage the Croton aqueduct. The law officer (corporation counsel) is elected by the people for three years. Six commissioners appointed by the Governor for six years attend the immigration from foreign countries. To these has recently been added a Board of Health, the members of which are appointed by the Governor' (*Proceedings, N.Y. Constitutional Convention, 1867-8, p. 2927*).

<sup>2</sup> Cf. Bibliography, p. 660, for list of books, state documents, etc., dating about 1870. The following is a *résumé* of the critical part of these.

committees; that this led the less scrupulous members to seek indirect compensation. Yet England was obtaining this increase of service—with honesty and with no financial reward.

Others were inclined to blame state interference, forgetting that the decadence had preceded this and that the original cause of the state interference was to provide a remedy. They were, however, sound in their reasoning that no permanent improvement could take place while the citizens were denied direct control of the government. This fact had been borne out in England.

Still others laid the blame at the door of the immigrants, and in Philadelphia it was felt that granting the franchise to the negroes had added still another purchasable element to the vote. On much the same basis a tax-paying qualification for municipal suffrage was occasionally advocated. A more cautious extension of the franchise (as in Great Britain) might have been wiser.

There was no clarity of thought regarding the position of the boss. It has already been suggested that he was usually far too useful to his own party to be criticized by it. Furthermore the opposition party realized that itself was equally guilty. The power of the boss thus continued an increasing factor in municipal affairs—a factor virtually unknown in the more simple English system.

There was some thought with regard to remedies for the appalling financial condition. This latter had resulted from the extravagance and mismanagement that characterized most American cities in the years immediately following the Civil War. There was already evidence of that passion for making laws, and then trusting in the efficiency of sentiments thus inscribed. Such a remedy has often coloured American constitutional history,<sup>1</sup>

<sup>1</sup> The Illinois Constitution of 1870 carried this farther than any other up to its time. Cities were to restrict their borrowings to not more than 5 per cent. of assessed value, and to provide for their repayment within twenty years.

contrasting as it does with the English emphasis upon individual responsibility.

There was only an occasional appreciation of the value of simplification and responsibility in promoting economy. These factors in this early decadence are more evident to-day than they were at the time in 1870.

§ 24. *Further fundamental criticism.* If the problem had been a simple one, it might have been easily solved; but because it was so tremendously complex, half a century of struggle has gone by without a complete solution. Much of the story of these past fifty years is the story of the gradual unravelling of one cause after another, and bringing to bear the force of public opinion on each in turn. It is very significant that almost all of the complicating factors were present and fairly fully developed in 1870.

Among the unrealized errors was the failure of charter-making to provide either a centre of intelligence or its corollary, a centre of responsibility. By contrast a comparative study of the simple English charters would have made many things clear. For example, in the hodge-podge of elected officials in America, in the indefinite relationship between the council and the executive, and between both and the state; and in the lack of any sort of statutory budgetary procedure, some dominant co-ordinating force was needed. In fact some such force was inevitable, if the government was to function at all. The boss was almost a necessary evil. Once there as a co-ordinating and powerful force, he realized his power, and used it for personal and extra-legal ends. This was the origin of the 'machine'. By this the boss was assured that each appointee under the spoils system, and each candidate nominated and elected by a mechanism which he completely controlled, would act in harmony with the rest. All too soon many of these would be bound to him by the 'cohesive' power of public plunder. Once entrenched as co-ordinator over the visible chaos and



irresponsibility, it was to the boss's advantage to resist the creation of any legal centre of intelligence and responsibility.

The second great unappreciated error was the lack of clear thinking as to the proper functioning of the franchise. No clear distinction was drawn between the properly elected and the properly appointed officials. In a blind trust in the efficacy of the *vox populi*, the choosing of numerous administrative officers needing the highest form of specialized skill was thrust upon the voter. The latter was usually utterly at a loss to pass upon the respective merits of the candidate for the office in question.

Thirdly, disorganization, confusion, and incoherence in city government had arisen as the product of the growth of functions. The functions, in England as well as in America, forced charter changes without any real thought being given to coherence. The American cities were growing too fast for co-ordination. Numerous *ad hoc* bodies, responsibility shared and quarrelled over by mayor and council, as well as constant tampering by the state, had resulted in a complete loss of simplicity.

In the fourth place, all corruption was not a fair measure of the intelligence of the people. Frequently what was obviously a majority found itself impotent before a fraudulent election. Securing evidence was difficult, court procedure often cumbersome, and the judges (frequently elected by fraud) were often under the control of the group of the accused.<sup>1</sup>

There was also the narrow provincialism that found its expression in ignoring the interests of the city for those of the ward. Petty advantage-seeking, choice of men of

<sup>1</sup> e.g. in Philadelphia (1868), forty-two men were arrested at the elections for murders, assaults, and rioting. Colonized vagabonds, personators, etc., from New York, Baltimore and Washington had been brought in to vote. The sheriff swore in a large posse of bartenders, brothel keepers, etc., to guard the peace! About the same time it is recorded that in New York City the vote actually exceeded the voting population by 8 per cent.

poor calibre, opportunity for manipulation, jealousy—all were aided by the fact that the elections were by wards.<sup>1</sup>

Finally, there were the still dimly understood matters of psychology connected with the reaction after the war and the hectic optimism of a period of inflation. These undermined not only the watchfulness but the conservative elements of morality that alone might have provided the needed check upon extravagance and corruption.

§ 25. *Hopeful elements.* There was little that gave reason for hope save the developments in education. To-day, however, one may discern that the decade of the '60's had brought to light in Massachusetts tendencies toward a type of centralization that for a while put her in the lead among American commonwealths. State boards of education, health, charities, and police were formed; but their influence operated through publicity rather than through authority. In general the localities proved themselves willing co-operators, ready to seek and to take advice. Only in the matter of the state police was there friction, for the city had often sought to exercise a local veto upon state statutes, and outside interference which sought to coerce it was resented.

Similar signs were elsewhere evidenced that state and local co-operation was developing under the intelligent leadership of the former with the voluntary compliance of the cities.<sup>2</sup> A tradition was being established opposite to that of the departments of Great Britain.

Though the conditions had never seemed so dark, the cities still had kept their great traditions of administrative freedom and local educational effort. Ultimately these were to play a large part in municipal reform.

<sup>1</sup> Milwaukee was one of the chief sufferers (Larson, *Milwaukee*, p. 55).

<sup>2</sup> Notably Illinois and Indiana. Cf. Bibliography of State Documents, pp. 660 ff.

## II

### BRITISH CITIES BEFORE 1870<sup>1</sup>

*Prior to 1835 city self-government was eclipsed by Parliamentary interference—England becomes committed to a local revenue system based upon occupancy—After 1835 the functional concept of local government determined the local framework—Administrative centralization becomes a factor—The contrast with United States cities in 1870.*

#### INTRODUCTORY

§ 1. *Significance of early period.* When one considers the British city as it existed in 1870, the contrast with the American city stands out clearly. At that time the divergence was probably at its greatest. The course by which the American city broke away from a possible parallel development has already been traced, and a consideration of the British city is in order.

Obviously any such treatment can in no way properly be termed a history; for the interest at this point, as in America, is only in matters that have proved of lasting significance, or that serve to explain the divergence between the two countries. This involves first a study of

<sup>1</sup> Principal works consulted: Redlich and Hirst, *Local Government*; Ashley, *Local and Central Government in England and the U.S.*; Fairlie, *Municipal Administration*; Cannan, *History of Local Rates*; Morris, *English Public Health*; Mackay, *English Poor Law*; Brodrick, *Local Government in England*; Gomme, *Principles of Local Government*; *Report on Local Taxation* (H.C. 470, 1870); *First Report of Commission on Municipal Corporations* (H.C. 116, 1835); Muir, *Liverpool*; Heley, *Birmingham City Government*, in Muirhead, *Birmingham*; Webb, *Grants in Aid*; Grice, *National and Local Finance*; Balfour, *Educational Systems*; Odgers, *Local Government*.

the actual structure of government; and then an analysis of the forces of which the structure was the expression. In this way the traditions can be understood that served as a background to the evolution after 1870, as well as the problems that confronted the city as it entered upon its distinctly modern development.

§ 2. *Political simplicity and economic complexity.* In general, throughout the history of the British city, the political aspect—i.e. the structure, the play of party opinion—was simpler and less obscure than in the United States. This was due to the relative simplicity resulting from a single Parliament, and to a homogeneous tradition and people. On the other hand, the economic forces that affected the political forces at every stage were on the whole less clearly apprehended in Great Britain. This contrast will appear more obvious at later periods, but it had its root in these earlier years. In tracing this aspect the perspective cannot be that of the period—for these matters were not then understood. One must search for points that are significant in the light of subsequent modern development.

#### BEFORE 1835

§ 3. *Parliamentary dominance and loss of self-government.* Much that proved permanent came down from early times. The period during which the towns were veritable city-states furnished one of the historic illustrations of the potentiality of local self-government, not only in satisfying the needs of the citizens, but in providing much of the real strength of the national government.<sup>1</sup> How deep-rooted and instinctive in the Nordic races is this capacity for local government was seen in the immediate establishment and success of the town meeting in New England.<sup>2</sup> This was at the time when the eclipse of

<sup>1</sup> Cf. Green, *Town Life in the Fifteenth Century*; Webb, *The Borough*; etc.

<sup>2</sup> p. 9.

democratic local government had become wellnigh complete in the Mother Country.

In England the period that followed, during which the parliamentary interests of the sovereign or of a clique took precedence over the well-being of the town,<sup>1</sup> indicated that unless local government be ruled by local motives, it can not be vigorous. In the Colonies there were no parliamentary ends to be served, and the little towns were left relatively undisturbed in their development. This gave them a distinct initial advantage.

The derivation of powers prior to 1775 was usually the same in both countries.<sup>2</sup> The precedent of a royal charter was well established; nor was this form lost in the case of English boroughs, even when actual royal influence grew less and parliamentary rule became supreme. The framework was outlined in these charters, and it was similar in terminology to that in use at the present day. The city corporation of burgesses or free-men was theoretically the basis. Actual administration was in the hands of the mayor and of one or more groups of aldermen or councillors.<sup>3</sup>

It is the period 1650-1750 that requires the closest examination, inasmuch as this was the time of formation of the American boroughs. The key to existing differences lies in the fundamental divergence of purpose governing the granting of the charters. That this in America was primarily *civic* did not cause the entire

<sup>1</sup> Cf. *First Report of the Commission on Municipal Corporations* (H.C. 116, 1835, var., especially pp. 17, 20). The historical outline and data in this Report are largely followed in this chapter.

<sup>2</sup> Cf. Masterman, *History of the British Constitution*, chapters on local administration.

<sup>3</sup> The judicial powers of cities varied, there being but little settled policy. Freedom from county jurisdiction was highly prized, and was fairly common. The problems of this city-county relationship were much the same as at later dates. Virginia alone in the Colonies seems consistently to have given the boroughs freedom from county jurisdiction.

escape from the close corporation:<sup>1</sup> but the fact that the British charters granted after the Restoration were largely parliamentary in purpose, made them almost wholly oligarchic in character, and generally corrupt.<sup>2</sup> Herein lies the explanation of the far less liberal suffrage; and the fact that, unlike in America, few of the more democratic early charters were allowed to stand. It is the key to the wellnigh complete loss of the spirit of public service—for the charters were not in any wise created for service. Thus when the break between the two countries came in 1775, the traditions of local self-government, which had been misused and suffered to lapse in the Old World, were still preserved in the New.

§ 4. *Origins of the rating system.* Along with the municipal corporations, there grew up the system of parish government primarily connected with poor relief. This was one of the most significant of the early developments.<sup>3</sup> The revenues of the city government had been largely derived from property and from tolls, fees, market imports, etc. The close association of ecclesiastical history with the relief of the poor resulted in the parish becoming the unit of administration, and had the further effect of making it the unit of the rating system as well. The history of this does not concern the point under discussion except to the extent that thereby were evolved the precedents: first, of taxation according to ability; second, the acceptance of the rent of occupied immovable property as a rough measure of this ability; third, the growth of the fallacious idea that it was property, not a person, that was taxed; and finally, the custom, when other services of local government required money, of levying this by precepts on the poor rate, or on other rates similarly assessed and collected.<sup>4</sup>

<sup>1</sup> p. 5.

<sup>2</sup> *Report*, pp. 101-131.

<sup>3</sup> For early history of the poor law, cf. Mackay, *History of the English Poor Law*, vols. i, ii.

<sup>4</sup> Cf. Cannan, *History of Local Rates*, var.

Unlike the Colonies, where poverty was relatively rare, and where land tenure was to result in ownership—not occupation—as the basis, the parish and the poor law thus acquired a great significance in the system of local government—particularly in this function of raising revenue.

§ 5. *Growth of ad hoc bodies.* Another important aspect of structure is to be noted. During the Colonial period and in the early days of the Republic, it had generally been the policy to confer upon the city corporations such additional and extensive powers as might be desired—for on the whole the local governments seemed to merit this confidence. Even poor relief came frequently so to be administered. In Great Britain, on the contrary, there was no such confidence in the corrupt and autocratic municipal corporations. A policy of creating independent boards had been the natural alternative.<sup>1</sup> Thus for reasons by no means parallel to the apparent similar development at a later time in the United States, British local government came to be committed to a system of *ad hoc* bodies. For many years these formed a serious handicap to the proper evolution of the self-governing instinct.

§ 6. *Political and economic abuses.* Due to the handicap of corrupt and undemocratic local governing bodies, English cities were also relatively slower to embrace new functions of government than were the vigorous corporations of America. When the regulation of trade and industry, which previously had formed the chief function of the self-governing city, had been largely absorbed by the national government, there was as yet nothing of commensurate importance to take its place. Even in the first phase of this—when the localities were still extensively used as administrative agents of the central government—the passing of the *initiative* to the

<sup>1</sup> *First Report, Commission on Municipal Corporations* (H.C. 116, 1835, p. 17).

latter inevitably meant a waning of local interest on the part of the inhabitants. This absence of function was one of the factors in the decay of local government; just as the growth of function became a factor in its re-creation. Coincident with the development of scientific thought, the need was felt for the new functions of cleaning, paving, lighting, and watching. These made necessary the creation of new machinery in local government. Once created, real local self-government contained its own motive power of expansion.

City government—deflected from its purpose by national and selfish ends, undemocratic, and with the spirit of public service dead—had gathered about itself all kinds of vested interests of property and family. But during these days of its eclipse there was gathering the force of a spiritual awakening among the people at large which made its transformation possible. Once re-established on a popular and free basis, it could count on the instinct and tradition of the people to make it a success.

#### RE-ORGANIZATION OF 1832-1835, AND SUBSEQUENT STRUCTURAL CHANGES<sup>1</sup>

§ 7. *The Reform Act of 1832, and its consequences.* The beginnings of Methodism in 1729 ushered in a much wider movement of humanitarianism and liberalism. Starting as a 'pilgrimage of passion for the spiritual uplifting of the degraded masses', something of the same spirit spread to the Established Church; and began to react upon the political and social institutions. This was the force behind the prison reform movement and the early attempts at education and factory legislation. In the political field it was a factor in the Reform Act of 1832.<sup>2</sup> This extension of the franchise made possible a

<sup>1</sup> Cf. Redlich and Hirst, *Local Government*, book i, part ii, ch. ii, etc. It is frequently used in this chapter. For other sources, cf. Bibliography, p. 641.

<sup>2</sup> Cf. *ibid.* p. 64 f.



further extension of the movement to the province of local government. On the one hand, the subservience of the borough to parliamentary purposes no longer existed as an excuse for postponing its reform; and on the other hand, the great release of energy which the truer parliamentary representation brought was naturally turned into the channels of remedying the grave abuses in the poor law and the municipality.

With a real statesmanship that furnished a precedent for later years, the actual legislation was preceded by a thorough investigation of the existing state of affairs, through the medium of Royal Commissions concerning both the poor law and municipal reform. The recommendations presented were largely followed in the subsequent legislation.

The poor law was the first to receive attention. Partly for the want of an acceptable alternative, the parish was continued as the basis; and unions of parishes were formed for administrative purposes. This was followed a year later by the creation of autonomous municipal corporations on the basis of a rate-paying franchise; and with the actual government in the hands of mayor, aldermen and councillors.<sup>1</sup>

These two Acts and the amending and supplementary Acts dealing with local government down till 1870 involve a number of significant elements. These must be analyzed *seriatim* for the purpose of contrast with the United States, as well as for their effect upon the subsequent course of British urban government.

§ 8. *Special legislation.* The first element of significance to be noted was the policy—in many cases far from unreasonable—to make exceptions from the general Acts in the case of certain jurisdictions. The case of London furnishes an interesting study. The precedent of its independent treatment was established by its exemption

<sup>1</sup> Poor Law Amendment Act 1834 (4 and 5 Will. IV, c. 76); Municipal Corporations Act 1835 (5 and 6 Will. IV, c. 76).

from the Act of 1835. Partly because imperial as well as local interests have been involved;<sup>1</sup> partly, in the case of the City, out of respect for its traditions; partly due to the strength of various vested interests in resisting reform;<sup>2</sup> and finally, because of the very magnitude of the problem; the metropolis has always been singled out for special treatment. In 1829 the district was given a special police force under the direction of the Home Office.<sup>3</sup> The Royal Commission did not include London in its first report, but issued a special report in 1837. The force of reform had weakened by this time and little or nothing was done until another Commission reported in 1854. The London Government Act of 1855, which was quite largely inspired by this report, involved the principle of a decentralized London, and endowed the vestries or district boards with the bulk of power. A Board of Works made up of parish and district representatives was vested with jurisdiction in certain matters which seemed to require joint action. However, the problem of London was so inherently a unit, that by 1870 the Board of Works had gained greatly in power and prestige. The poor law followed a similar course, and in 1867 a Metropolitan Asylums Board was formed, and a Common Poor Law Fund established. The drift was inexorably in the direction of a unitary government.

The feeling that Scotland and Ireland also constituted special problems was strong enough to confirm the policy of special treatment for each. In general this tended to lag behind the legislation for England—sometimes to advantage, since unforeseen mistakes could thus be remedied.<sup>4</sup> Imitation of England was by no means so close

<sup>1</sup> So also Washington, D.C., U.S.A.

<sup>2</sup> Very common in the U.S. also, where it is usually classified as 'corruption'.

<sup>3</sup> Metropolitan Police Act 1829. This furnished the inspiration for a similar but less successful Act for New York City about 1860. For history of London, cf. Harris, *London*.

<sup>4</sup> The Municipal Corporations (Scotland) Act of 1833 was an exception.

as to prevent the incorporation of traditional or peculiar elements that had grown up in these other countries.<sup>1</sup> This made possible a wider range of experiment, mitigated the uniformity that would otherwise have resulted from a single Parliament, and made logical an increasing measure of devolution.

Other instances of special treatment occurred from time to time, causing the picture of local government in the United Kingdom in 1870 to resemble the even more diverse government of cities and sections which had arisen largely from the autonomy of the several American states. This partial or piecemeal treatment was the English counterpart of American special legislation, and has tended to continue to the present time.

§ 9. *Functional dominance of framework—confusion of authorities.* Of somewhat the same nature was the lack of logic in the creation of various types of local authorities; and it is not surprising that for a time almost every new function brought with it a new authority. The creation of a new system of areas for poor law administration seems to have been based on grouping into a union the parishes around a market town; for neither the county nor the municipal authorities were capable in those unreformed days to take over the burden. The Municipal Corporations Act gave the reformed corporations merely such powers of police or managing property as had been possessed by the earlier corporations. The *ad hoc* boards or commissions only gradually transferred their powers to the municipal corporations. A semblance of simplicity through this absorption had scarcely been reached when there arose a new group of Improvement Commissioners, Boards of Health, etc.—largely designed to care for urban areas that as yet were not large enough to become boroughs. The boroughs themselves often formed part

<sup>1</sup> Cf. McNeil-Caird, *Local Government and Taxation in Scotland*, and Hancock, *Local Government and Taxation in Ireland*, in Cobden Club Essays, 1875.

of Port Sanitary Authorities, Conservancy Authorities, etc.—so that the whole system of authorities by 1870 had become hopelessly complicated; and gave every promise of becoming worse. It recalls the parallel era of boards in the United States, but the parallel weakens somewhat in the light of the British grouping of functions.

What grouping of functions there was, was often very illogical. As far as urban areas were concerned, new powers were generally bestowed upon one of three authorities—the guardians, boroughs, or sanitary authorities. By 1870, the urban boards of guardians still had quite an accretion of powers but distantly related to their central function of poor relief. Among these were vaccination and vital statistics. Their control of lunacy had but recently been transferred to the municipal corporations. The municipal corporations also had been the recipients of many powers and duties through both local and general Acts. These chiefly concerned public works and amenities. Maintaining a police force was converted from a power to a duty in 1856. 1848 witnessed the introduction of the local sanitary authority or board of health. By a stroke of statesmanship the municipal corporation was thus constituted in borough areas. In this capacity it acquired another large group of powers and duties, some not very closely related to public health or sanitation. Thus, by 1870, the average large city was not far from a self-governing unit, though the poor law and some miscellaneous board or authority often complicated matters. The distinction between the local council acting as a municipal corporation and as an urban sanitary authority came almost to be lost sight of in the popular mind, though it had some significance in law. The British city had come as near to being possessed of a single, primary ruling authority as the city of the early Republic, while by 1870 the latter had unfortunately lost this simplicity in a maze of independent boards and elected officials. There was some prospect in England of attain-

ing a simple system, though local self-government was threatened from other quarters.

§ 10. *Confusion of areas.* The confusion of areas created by the 1834-5 and subsequent legislation was quite as serious as the confusion of authority. In some respects it was this, as much as the fact that the Guardians were an *ad hoc* body, that was responsible for much of the unsoundness in poor law administration. The parish unit had almost ceased to be a reality in the urban areas, and the unions themselves were created with no relation to the boundaries of the existing counties, towns, improvement districts, etc.<sup>1</sup> Subsequent creations of boards of health, conservancy districts, etc., showed little regard for existing boundaries. Furthermore the growth of the urban areas frequently resulted in large sections outside the old municipal limits—related by economic and social ties, but remaining a distinct political unit because of the difficulty of securing a boundary amendment. All these meant a weight on the development of vigorous local government—which requires political unity of area to approximate the unity of social and economic community life. In this respect the American city with its relative ease of boundary amendment was at a distinct advantage.

The definite step in the direction of enlargement of administrative area through the formation of unions was one of the most important elements in poor law reform. This tendency was paralleled by developments in other quarters. The course of affairs in London has already been indicated, and similar groupings and combinations occurred elsewhere for harbour control, drainage, etc. In almost every case the policy was followed of representation by delegates of the constituent parts or authorities.

§ 11. *Internal organization of local authorities.* Little or nothing was decreed in the original Acts as to the internal organization of the boards of guardians or the

<sup>1</sup> Cf. Odgers and Neldrett, *Local Government*, pp. 20, 107, etc.

municipal corporations<sup>1</sup>—but in the course of the years before 1870, the British had incorporated into their legal machinery two fundamental conventions that were to continue and mould all subsequent development. These were the supremacy of the amateur legislature, and the committee system. They marked the British side of the cleavage that had arisen between the cities of the two nations. The supremacy of the legislative branch—once common to both—the British kept. Administration by committees—checked in America in its infancy by the appearance of the independent executive—the British town had by 1870 crystallized into a working system of government, ready to adapt itself to the task of the modern city. The unpaid amateur was unquestionably rendering better and more unselfish service than the elected paid executive of the despoiled American city. In Britain local government had not yet become so complex as to reveal weakness in the system; it had developed far enough to show its inherent strength.

### 1835-1870

§ 12. *Central-local relations.* Of the other elements and precedents involved in the re-organization of local government in the '30's, one at least is of sufficient importance to merit more detailed treatment than has been accorded to those already mentioned. It is the problem of the relation between central and local government.

For some years preceding the first Reform Act local administration had been virtually unsupervised by any central department. It has often been pointed out that the legislation of 1834-5 involved contradictory tendencies. The report of the Poor Law Commission had revealed the pre-eminently national character of the menace of the then existing conditions, and a strong central board designed to ensure the carrying out of local poor law

<sup>1</sup> Cf. Redlich, *Local Government*, vol. i, bk. ii, part i, ch. vi.  
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policy along national lines was accordingly inaugurated. In the Municipal Corporations Act on the other hand there was apparently a desire not simply to reform the local bodies but to re-create the old spirit of local self-government by making possible local freedom.

§ 13. *Edwin Chadwick*.<sup>1</sup> The conflict in principle became more apparent in subsequent years. The appointment of Edwin Chadwick, an advocate of centralization, as secretary to the Poor Law Commissioners, had an influence on later developments not fully appreciated even to-day. So vigorous and untactful was his action that it roused intense local resentment. Renewal of the Commissioners was several times in doubt; but they acted as a buffer to Parliament, and hence were retained: for the value of their services was felt by many who saw the soundness of their poor law policy. However, by 1847-8 the criticism of certain methods of the Commissioners, and particularly of Chadwick personally, came to a head. The vested interests that had been attacked also contributed their share of influence in bringing about a change. The central authority was converted into a board with a parliamentary representative, in order to make it more in harmony with responsible government. Though it was felt that the policy thus far pursued had, on the whole, been sound, Chadwick had become so unpopular as to render a change advisable. A convenient opening offered itself through the creation of a General Board of Health with considerable powers over local authorities. Chadwick himself had played a prominent part in the events leading up to this. He was accordingly transferred. Here also he created a storm by his vigorous activity. By 1854 sentiment had so crystallized against this form of centralization that Chadwick was discharged, and the Board re-organized. By 1858 the reaction had

<sup>1</sup> Cf. Redlich, *Local Government*, vol. i, pp. 105 ff.; 135 ff. (esp. 144); Bannington, *Public Health Administration*, pp. 6 ff.; Morris, *English Public Health*, ch. iii; Mackay, *English Poor Law*, vol. iii, pp. 156, etc.

gone so far that the Board was abolished altogether; the initiative again transferred to the local authorities; and the Board's function given to the Privy Council.

Under the wise leadership of John Simon, by education in health matters rather than by forcing action, the antagonism created by the centralizing policy of Chadwick was gradually broken down.<sup>1</sup> By 1870, impatience with the slowness of local authorities again expressed itself in a desire to force action through the re-creation of a strong central authority.<sup>2</sup>

§ 14. *Police supervision.* Meanwhile in 1856, even during the full tide of reaction against centralized control, the prevailing lawlessness had forced attention to the problem of police protection. It was not in harmony with the times arbitrarily to force the central will upon the localities, but the device of the grant-in-aid was adopted.<sup>3</sup> This was already in use in several instances, the most important being under the legislation of 1846, whereby aid had been extended to certain branches of the poor law administration in order to secure more effective supervision. In both instances a secondary motive was to relieve the local rates. Under this method an effective supervision of the police was introduced without the extreme friction that had attended central efforts in poor law and public health.

§ 15. *Establishment of department traditions.* In these years the question of the relations of the local governments to the central had definitely entered into the body politic. It had entered primarily as a question of administrative departments endowed with supervisory authority, rather than, as in the United States, as the result of any attempt of the central legislative bodies to

<sup>1</sup> Morris, *English Public Health*, p. 49.

<sup>2</sup> Cf. p. 190 f.

<sup>3</sup> Webb, *Grants-in-Aid*, p. 19; Grice, *National and Local Finance*, p. 39.

A summary of the early use of grants (dating from 1832) may be found in Clarke, *Local Government*, chap. on 'Grants-in-Aid'.



regulate the details of local government.<sup>1</sup> This much then at least was gained in England: that the central 'interference', coming as it did from a group of permanent officials, was spared any suggestion of a partisan character such as marked the special legislation of this period in America.

These were the years during which the central departments established the traditions of their policy. The precedents established in Great Britain furnished a marked contrast to the stimulating advisory co-operating policy that was fast becoming the tradition of similar boards in the American states. The course pursued by Chadwick during the years of his greatest power showed the possibilities in the direction of securing immediate results that were inherent in a strong central department endowed with sanctions to enforce its will.<sup>2</sup> In all alike the national will was not to wait upon local initiative. The eclipse of this policy in the case of the Department of Health was but temporary, for impatience was soon to re-introduce the strong board. A similar tradition of an inspectorate and a detailed control was being built up by the central education authority in its relations with voluntary schools. In later years this was to be continued in the relations with local authorities.<sup>3</sup>

§ 16. *Rating system aids centralization.* A further factor influential in the course of centralization was the desire for relief of rates. This desire was the primary influence in bringing various grants-in-aid,<sup>4</sup> and in each case the doctrine was apparently unchallenged that such grants should be accompanied by supervision. There has been a considerable degree of coincidence throughout the history of English cities between the desire of the

<sup>1</sup> p. 18. f.

<sup>2</sup> Cf. Mackay, *English Poor Law*, vol. iii, p. 156; Morris, *English Public Health*, p. 33.

<sup>3</sup> Cf. pp. 189, 407.

<sup>4</sup> Cf. Cannan, *History of Local Rates*, pp. 133 ff. (1846, 1856); Grice, *National and Local Finance*, var.; Redlich, vol. i, pp. 158 ff.

central government for further supervision and the desire of the localities for relief of rates. It should be noted that this relationship between the two was not accepted as inevitable in the United States;<sup>1</sup> but that such grants as were given were usually designed to encourage local efforts at an initial stage of an activity, and were seldom accompanied by any supervision that in any degree approached the English policy. The consequences of these divergent policies of the two nations form one of the most interesting and significant comparisons in political philosophy, and must be reserved for special consideration later.<sup>2</sup> Even thus early the more burdensome incidence of the British system of local rates was making itself felt on the side of centralization.

§ 17. *New vigour of city government.* From the standpoint of the local authority there is a somewhat different story to tell. The Municipal Corporations Act of 1835 had shown from its very beginning the great potential energy of local government in England. In many cities the display of local enthusiasm for its workings might have been considered remarkable had it not been in accordance with the traditions of the race.<sup>3</sup> For a while it appeared that the degree of freedom allowed was considerable; but as the existing powers were being exhausted and the demands for new powers became greater, legal barriers appeared. Many of these were successfully surmounted through the medium of private bills; others were extended from time to time through general legislation; but in spite of these attempts there is little question that the more vigorous cities were somewhat checked in their action.<sup>4</sup>

On the other hand the supervision of the poor law

<sup>1</sup> Cf. p. 15.

<sup>2</sup> pp. 554-601.

<sup>3</sup> Redlich, vol. i, p. 128.

<sup>4</sup> Redlich, bk. ii, part 1, chs. i, vii; Harris, *London*, p. 48, for an example of futile efforts of local ratepayers to secure private legislation to check abuses.

aroused a storm of resentment on the part of the parochial and union authorities. Similar local resentment (no doubt in part aided by vested interests threatened) attended with such intensity the installation of central health supervision, that local autonomy was for the time being victorious. It is conjectural how much of the opposition to public health was really a by-product of opposition to centralization—but it is significant that this opposition was broken down, not by the force of Chadwick, but by the persuasion of Simon. Although the legislative centralization in the United States was complicated by its partisan aspect, two things may be recalled for the purposes of comparison and contrast. The few attempts at central regulation of administration in the United States that had up to this time been made were resented as strongly as in England, and on the whole resented more successfully.<sup>1</sup> In the second place, the provision of education had been a power of the American (and Scottish) cities for many decades, and vigour of its development was the result quite largely of local effort—encouraged perhaps, but not forced by central aid.

§ 18. *Central distrust of local finance.* One further tradition that had become well established by 1870 in England, and to a considerably less extent in the United States, was the distrust of local authorities in financial matters. Aside from details of audit in poor law expenditure and detailed regulations as to spending powers in health matters, a belief in the central authority as a trustee for the future had been a factor in bringing about central control of loans.<sup>2</sup> The fear of possible 'radical' tendencies had hedged about with a number of restrictions any acquisition of property. Statutory limits were imposed on certain of the rates. Such detailed control was not imposed, as far as administration was concerned, in the United States; but the policy had

<sup>1</sup> p. 97.

<sup>2</sup> Webb, *Grants in Aid*, p. 5.

commenced of limiting the total amount of debt of a locality, while leaving it free to be incurred in wellnigh any manner.<sup>1</sup>

§ 19. *Summary of central-local conflict.* A general survey of the period in England thus shows plainly what seems to be an inevitable conflict between the instinct for local autonomy and the national outlook. In the balance for the latter was thrown the weight of a rating system now become so burdensome as to create a desire for central aid, though the attendant supervision might be resented. A multiplicity of badly conceived areas and authorities complicated and hampered the operation of local initiative; so that the impatience with local slowness that caused action to be forced by the central departments must have been with considerable warrant. The creation of any authority, whether central or local, seems to involve within it the ultimate desire for more power. Hence arises much of the pressure on Parliament for extension of supervisory control. Yet in spite of the nationalism and its impatience with local slowness, in spite of the handicaps of bad local machinery, and in spite of a very real need for a 'trustee for future generations'; the local self-governing instinct was showing not only great power of resistance against central encroachment, but great vigour under difficulties in its own field of administration.

In the ebb and flow of the struggle another factor—the pressure of the vested interests—has been noted as of significance. Hence something should be understood of its nature, and the degree to which it was involving other phases of local government.

§ 20. *Economic factors in city government.* That the motives which finally crystallize into political action are complex and varied in their nature is often disregarded in the desire to force branches of study essentially inter-related into separate water-tight compartments. One

<sup>1</sup> p. 69.

who studies the period under discussion cannot but be conscious that underlying the political evolution of city government thus far described were often other forces—philosophical, social, religious, economic. These had proved to be decisive factors in the course of what might superficially be interpreted as a political question alone. All of these forces it is impossible to note or analyze; yet many can be summed up as part of the struggle between privilege and democracy—in essence involving the question of the right of any one to adopt a course of conduct contrary to social welfare.

With regard to English local government, perhaps the most prominent economic factor affecting it had been the presence of vested interests in land and property. The contrast in land tenure between the United States and Great Britain explains the origins of much of the divergence in the systems of local revenue. In the United States a man was assumed to be a property owner; and thus the value of his property came to be the natural criterion for his ability to pay. By the same process of reasoning, occupancy rather than ownership was assumed in England; and came to furnish the basis for local rating. Ownership of land and property had long been confined to the governing class, and had acquired the prestige of titled social distinction. It had thus been isolated from the realities of everyday thought, and, as far as a question of its taxation was concerned, was outside the pale of political discussion.

Yet the landowners felt that they were contributing to local rates through a sacrifice of a portion of the rent they would otherwise have been able to charge. Especially in the agricultural districts (where competition with the new districts of America had brought a precarious condition), this grievance was used with telling effect on the occasion both of the early grants and of later financial measures for relief of rates. Thus in the early stages of the unconscious conflict between the autonomy of the urban

areas and the control by the central departments, this pressure for concessions on the part of the rural areas was an important factor in bringing about the compensatory or similar grants for services in the cities. It is important to appreciate that very much of the course of financial relief to local authorities was determined in a large measure by the powerful agricultural interests, rather than by the more independently minded borough councils.<sup>1</sup> The close of the '60's found Parliament again agitated by the question of the incidence of local rates—a perennial one thereafter; as each of the conflicting economic elements involved tried to make the other bear the expense. It became owner v. occupier; town v. country; ratepayer v. taxpayer.

The vested interests of industry, so prominent in city development in the United States, played a relatively smaller part in the United Kingdom—perhaps due to the greater prominence and power of the vested interests in land. The development of the public utilities was better guarded against evils by the English Parliament than under the decentralized American system. The higher standard of public service that prevailed in its legislative bodies, central and local, was well illustrated in this matter.<sup>2</sup>

§ 21. *Consequences of the class system.* The privileges wrapt up with the class system in English social life, form an interesting comparative study with the United States, where the popular attitude of Jeffersonian and Jacksonian democracy had dominated city government for many years—bringing in rotation in office, the spoils system, the multiplicity of elected officials, and the confusion and corruption which followed in their wake. In England county government and one House of Parliament were still completely controlled by the aristocracy. In the

<sup>1</sup> Grice, *National and Local Finance*, p. 24; Redlich, *English Local Government*, vol. 1, pp. 158 ff.

<sup>2</sup> Cf. Darwin, *Municipal Trade*, var.

cities, it is true, the tradition of a governing privileged class had largely broken down under a democratic franchise;<sup>1</sup> but the interesting and significant fact remains that the attendant respect for official status seems to have been kept, usually carrying with it its corollary of *noblesse oblige*. It made possible the unpaid service of councillor or mayor, and surrounded the latter office particularly not only with trappings and ceremony, but with a very real respect—all of which contrasted strongly with the disrepute into which office-holding had fallen in America.

The other and less pleasant side of class privilege illustrated itself in the attitude toward education of the 'lower orders'. The education for citizenship that had been the dominating democratic ideal around which the American states and cities had already built their educational systems, was as yet almost entirely lacking in British thought.<sup>2</sup> There was a considerable amount of humanitarian and sectarian interest in the rudimentary education of the children of the working classes; but it assumed that they would remain in their own social class. The 'public school' and the university (many of whose endowments had been designed for the poor) had been pre-empted by the socially privileged for their own children. Thus in 1870, when every state in the Union was attempting universal free education for negro and white alike, not a city in England had as yet been allowed to establish its own schools.

§ 22. *Slow growth of political democracy.* Political privilege lingered on in the plural vote in the boards of guardians and in the retention of the aristocratic rule in the counties. Even the 1867 Reform Act failed to make the parliamentary franchise really comparable with that in America—which in its turn was too readily extended to ignorant as well as intelligent.

<sup>1</sup> *Minutes of Evidence, Royal Commission on Local Government*, Part i, Appendix I, p. 135.

<sup>2</sup> Cf. Balfour, *Educational Systems*, var.

The House of Lords, the abiding place of the landed and social interests, had a record of hostility and check-mate to educational and other legislation that might threaten their economic or social position.

As a whole, in spite of the successive Reform Acts, the period was marked by a very considerable continuance of distrust of the people and of popular local government, which frequently resulted in hedging about the grants of power with various restrictions. By 1870 the rising democracy had made no really important inroad into privilege, though humanitarianism had softened the grosser aspects that had arisen under *laissez faire*. Altruism was growing, but as yet had attacked only the surface of the evils of privilege that were rooted in the class system and the land tenure. These two main strains of privilege play somewhat the same part in the story of English city government as was played in America by the forces of vice and corruption, and by the public utility interests. The subsequent course of each will reveal more clearly how fundamentally they affected English city government.

#### THE CITIES IN 1870, AND THE CONTRAST WITH THE UNITED STATES

§ 23. *Functions.* It is now possible to estimate more intelligently local government as it existed in 1870, in order properly to summarize the contrasts existing between the two countries; as well as to understand the exact position existing in England, out of which subsequent developments arose.

Thus far but little has been said with regard to the actual functions of city government. Their interest to the student of political theory is rather a secondary one; but to the actual citizen they have much more immediate interest than questions of centralization, framework, or even special privilege.

The poor law <sup>1</sup> with a system of authorities of its own

<sup>1</sup> Cf. Mackay, *English Poor Law*, vol. iii, var.



had not succeeded in attracting any large measure of popular interest. Elections to the boards of guardians had not called out a large percentage of the voters. In the average district, once the poor had been successfully and finally deprived of their vested interest in the poor fund, matters had settled down more or less to a routine effort to give effect to the principles of the workhouse test. Efforts to dodge responsibility for settlement, coupled with undue burdens on certain parishes, had been largely instrumental in forcing the union chargeability introduced in 1865.<sup>1</sup> As a whole the details of administration were prescribed very minutely by the central department to the annoyance of many of the local bodies, who frequently disregarded them. The part played by the poor law in local government was far greater than in the United States, where it was usually either a county affair or a minor city department.

Provision of police had passed through the successive stages of special Acts, permissive legislation, and compulsion. This last was tempered by the grant-in-aid. By 1870 the standard was, for the time, fairly high in most urban areas, and seemed particularly so, when contrasted with the corruption and inefficiency of the American police.

Public health and sanitation seemed to be establishing themselves as the central and primary functions of the municipal corporations. Since the retirement of Chadwick, the cities had become virtually autonomous in health matters, and some already had voluntarily embarked on vigorous efforts in sanitary improvements. Yet there was again evidence that national impatience would not wait upon a tardy local initiative, and the trend had set in definitely toward centralization. The contrast in emphasis (later so marked) between the United States and England was already appearing—whereby in the one, education; in the other, public health, became the centre

<sup>1</sup> Cf. Mackay, *English Poor Law*, vol. iii, pp. 355 ff.

of popular interest in local government. The factors responsible for this in England appear more clearly in the next decade.

With regard to other matters, municipal trading had advanced more in England than in the United States; while significantly enough the actual provision of public utilities was farther advanced in the latter.<sup>1</sup> There was little to choose between the two countries in the matter of parks, only a few cities in each having made any attempt at a comprehensive system. The greater difficulty of land acquisition in England had accordingly not been clearly revealed as an ultimate differentiating factor. In all functions the British policy of permanent tenure for government employees presented a marked contrast in honesty and (under the then relatively simple conditions) in efficiency as well, to the disgraceful state of affairs in the United States.

Education was not as yet a function of city government in England, though under Calvinistic and Dutch influence it had from the earliest times been considered such in America. In England the sectarian question had prevented a comprehensive solution. Where the government had actually taken a hand, it was the *national* government, not the local. How this continued the tradition, and what its effects were, illumine the entire problem of centralization. The locally autonomous American cities had by this time passed well beyond the narrow limits of free elementary education, and had quite generally recognized the principle of free secondary education.

In finance both countries were faced with rising local expenditure and debt—exaggerated in America by flagrant extravagance and corruption. Yet local taxation for various reasons was not so keenly felt as in England. Both countries seemed to be on the threshold of develop-

<sup>1</sup> Darwin, *Municipal Trade*, var.

ments in more stringent financial control—though England's problem was by no means so acute.

§ 24. *Social conditions.* A review of the social structure of the two countries shows England with an only moderately lessened load of poverty as compared with early days; while the United States, except for the South, was on the crest of one of its periodic prosperity waves. The middle class in most cities of the United States were struggling with the new immigrants for control of the machinery of government. On the other hand, the English class system was at least partially responsible for certain tendencies in education and poor law functions of city government, and also affected in a more obscure way its system of rating. Its association with the Established Church presented a complicating factor that did not exist in the United States.

§ 25. *Legal basis.* On paper at least, the local government of both countries was under the 'rule of law'—that is, local governments could perform only such functions as had been delegated to them, and were held responsible for such duties as might be imposed. Enforcement in the United States was almost entirely by the courts. England under the Poor Law Board, and, to a certain extent under the Health Department, had begun to develop enforcement in the first instance by administrative departments. The United States, through its State and Federal Constitutions, had built up an hierarchy of laws which involved additional litigation (and restraint of action), without as yet any considerable measure of compensatory advantage to the local governments. On the other hand, obtaining additional powers from Parliament was more difficult than from the legislatures. In part this was due to the aforementioned distrust of local government by the interests represented in Parliament; in part, to the greater expense involved; but perhaps most of all to the inherent difficulties that surround an Imperial Parliament when dealing with local

business. Yet there was not the constant interference in details on the part of the central legislative body.

§ 26. *Party.* The contrast in the position occupied by political parties, both nationally and locally, can best be expressed by saying that party government in England was conceived as a *means* for obtaining good government, while in America party supremacy had become as it were the *end* of government. Party played a relatively minor part in local affairs in England, though its influence was perhaps in the ascendancy.<sup>1</sup>

§ 27. *City self-government.* Both nations had revealed that local self-government was instinctive; in both it had become fettered by other factors. Both peoples had displayed capacity for local corporate organization. Both had shown a spirit of public service in local government. The United States was fast losing this, while it had been re-born in England after the Act of 1835. In neither country were the principles of local government well understood or carried out.

In the English city, as in the American, the stage was set for great developments. Enlightenment was stimulating the effort in public health, altruism was forcing the issue in education, and local energy was ushering in a period of vigorous municipal trading and activity. Yet attention was directed far more to functions than to framework; and the evil effects of the disorganization in the latter had not really been appreciated. In Great Britain the battle that had been periodically waged around the burden of the rates was again emerging, and promised alterations in existing financial arrangements. The national outlook gave promise of colouring the future of legislation and administration.

§ 28. *Quality of government.* Probably at no time in their history was the divergence between the United States and the United Kingdom in almost every phase of city government so great. In both, the functions had

<sup>1</sup> Redlich, *English Local Government*, vol. i, p. 265.

been dictated by expedience, and had resulted in a rather unrelated miscellany of authorities—but here the parallel ends. The American cities were at their lowest depth of corruption; the British were conspicuous for their freedom from taint. A paid council and mayor were failing to secure the good government in America that Britain obtained from unsalaried local authorities. Parliament was content with general legislation—or details at local request, while American state legislatures were in the midst of an orgy of interference with local affairs. The immigrant had broken down the relative homogeneity of American population, while English citizens were of one race. ‘Invisible government’ and boss rule had superseded an intelligent popular rule, at a time when Great Britain was extending further merited grants of suffrage. The American ‘faith in the automatic’<sup>1</sup> was striving to incorporate into law or constitution, the principles of popular control which the play of public opinion secured for the English. The application of the theory of separation of powers to the American city, and the creation of the independent executive had been the signal for the introduction of an era of irresponsibility which was intensified by the multiplication of elected officials. In the cities of Britain responsibility at least was simple, direct, and (with the exception of the poor law) usually undivided. American cities were showing great variety in type; but much of this was not of their own choosing, nor had any conspicuous success resulted from the experiment. Party had been prostituted in America, so that it was to become a byword, instead of a symbol for veneration as in England. In the full tide of materialistic reaction from the Civil War, even the hitherto greater open-mindedness of American local government seemed lost. Speaking broadly, the more conservative English development gave promise of holding fast the best traditions of the old order of aristocracy

<sup>1</sup> This expressive phrase is borrowed from McBain.

and public service, while gradually and surely extending the measure of democracy as experience proved advisable. On the other hand the more hasty democracy in America had brought the spoils system, rotation in office, the long ballot, and an almost complete lack of respect for official position in local government. Only the American educational system seemed at all to mitigate the unfavourable contrast.

§ 29. *Rating system.* Two other things may once more be noted by way of contrast. Though ultimately of very great importance, as yet they seemingly threw the balance of advantage neither one way nor the other as between the two countries. In the United States, the local taxation based on property was not checking or restraining either local extravagance or local initiative. In England, the rating system based on occupancy gave each voter an interest in economy, and was revealing itself also as a factor in the demand for the grant-in-aid.

§ 30. *Central-local relations.* The second factor was the tradition being formed with regard to the character of centralization. In England, the national view-point had on occasion definitely asserted itself to bend local authorities to its will. In America, the Federal Government was impotent, as local government was not among its delegated powers. Hence this was left to the state governments, and their legislation had of late turned to a great extent on political interests. Furthermore it was in a way inevitable that the British central department should build up a tradition of control through sanctions. The grant-in-aid and the national view-point of Parliament seemed to imply this. On the other hand the state boards were establishing a tradition of research and advice—without sanctions. Local government was resenting the central interference in each case—struggling against the boards in England and the state legislatures in the United States. The issue of both struggles was in doubt—but was fundamental.

### III

## UNITED STATES CITIES—1870-1900

*The financial crisis and its municipal reaction—The search for Constitutional remedies—Growth in municipal activity under a flexible revenue system and local autonomy—The advisory tradition of central boards established—Increasing power of the mayor—State interference and unsound political dogma handicap good government—The struggle for city emancipation renewed—This struggle is again local in its origin, and much of it is directed toward re-establishment of local self-government—Democracy fights economic privilege—There is a lack of comprehensive appreciation of the municipal problem, but a number of isolated aspects are disentangled—The beginnings of municipal thought.*

### THE PERIOD

§ 1. 1870-1880. In the middle '70's the United States seemed to awaken for a brief time from the materialism of the years following the Civil War—but it awoke only to lose faith in the old political dogmas. With the recurrence of prosperity the old ways returned. Underlying this cycle were economic forces.

The era of speculation had been exaggerated by the paper inflation following the Civil War, and had culminated in the panic of 1873. The cities were among the first to feel the effects. With the rapid fall in the money income of the people, the taxes for the extravagant expenditures and the huge debt services pressed heavily. The effects of the Civil War and the 'carpet bag' governments aggravated the suffering in the South.

Labour and anti-monopoly issues (particularly in the

Middle West) were the accompaniment of a partial reaction against aiding railroads and other corporations from the city funds.<sup>1</sup> Politics continued anything but wholesome. Of the two old parties, the Democratic party was discredited, and the Republican party had become the tool of the corporations. It was in this situation that the third party first became a factor in teaching independence. The old political ties in city and state governments were never quite so strong thereafter.

§ 2. 1880-1890. The '80's were critical years. Unlike England, where the power of privilege was little realized, the prevailing corporation domination was by no means tamely borne. Though the successes were few,<sup>2</sup> the seeds were planted for the new democracy of the twentieth century that was to affect nation, state, and city alike.

In the cities the 'hard times', which in the mid-seventies had forced attention to economy in city affairs, for the most part, had passed. With the improved state of affairs came indifference. The fitful waves of reform, though they had not been without success, had now largely died down. The discouragement with which the

<sup>1</sup> Among its most interesting manifestations was 'Kearneyism' in San Francisco. Bryce does not seem to have been justified in minimizing Kearney's program. Cf. Young, *San Francisco*, vol. ii, pp. 519 ff. (who emphasizes the 'reform' element); *Bay of San Francisco*, vol. i, pp. 271, etc. Other labour campaigns occurred in Baltimore 1877; Cincinnati, Cleveland, Chicago 1879.

Instances of success in safeguarding franchise rights occur in the 1872 Municipal Corporation Act of Illinois, where street railroad franchises were limited to twenty years; and in the Denver water works franchise of 1874 (King, *Denver*, p. 83). The Arkansas Constitution of 1874 was one of many which forbade the cities to lend their credit. Twenty-five such by 1890 (*N.Y. Senate Document*, No. 80, 1891, pp. 518 ff.).

<sup>2</sup> Milwaukee (1882) was the most notable success (Larson, *Milwaukee*, p. 125). Union Labour in Cincinnati (1887) was probably beaten only through corrupt practices (Wright, *Bossism in Cincinnati*, p. 32). The United Labour Party in New York City polled 68,000 votes in 1886, with Henry George as candidate for mayor.



preceding decade had closed became more intense. Only occasionally did progress win a substantial victory.

These were years marked by the steady gathering of factors—some hopeful, many sinister—that were to meet in the battle for good government that was to break out in the middle of the following decade. The forces of evil and privilege, taking advantage of the greed or indifference of the average voter, were consolidating their hold on the body politic.

§ 3. 1890-1900. The motives underlying the events in the '90's were also largely economic, but with a growing touch of altruism. The forces opposed to exploitation by the vested interests grew stronger, and their efforts rose to a climax under the leadership of Bryan, in 1896. The Spanish War, minor though it was as a military event, none the less caused an awakening of national consciousness akin to that of England, and stimulated the already powerful reform movements. The full expression of the better thought of America was reserved for the subsequent leadership of Roosevelt; but the tide had turned in national life, and, as a consequence or accompaniment, in local life as well.

The growth of materialism that had resulted in the all but universal domination of great corporations, was fought more vigorously. However much the commercial spirit seemed to be gaining, the influence of idealism or protest was gaining faster. There was no disposition on the part of reformers to compromise with privilege. Hence the struggle in America was more bitter than that in England.<sup>1</sup>

In no place was this more true than in the Middle West where the farmers and labour were resisting their

<sup>1</sup> An example of the bitterness of the struggle can be found in the characterization of the offending Chicago aldermen, who were 'battering' on the public, as 'gray wolves' (cf. *Report of Chicago Citizens Association* 1903, for the effectiveness of this characterization).

exploitation by the railroads, bankers, and middlemen.<sup>1</sup> Anti-monopoly won its initial city victories in Detroit, Cleveland, Toledo, Denver, Chicago.<sup>2</sup> In these cities labour was stirred through the suffering occasioned by the depression of the mid-decade, and at the same time found an enlightened leadership.

The third parties that had given expression to this liberal thought, grew stronger, until in 1896 the Democratic party adopted as its platform much of what had been the Populist programme.

The quickening of national life, through isolating and discussing the national problem of corporations and monopolies, was accompanied in many instances by a corresponding change of attitude toward the local utilities, the circumstances of which were quite without parallel in the United Kingdom. This reversal of attitude was hastened by unmistakable evidences that the utilities had frequently connived with city officials to obtain franchise rights, which were now seen to be of great value. Thus a new issue was introduced into city affairs. Utilities, formerly welcomed, now became the objects of suspicion or persecution. The people were looking beyond the service rendered to the exploitation of privilege. The spirit of democracy was exercising itself in a new way. Its earlier manifestations had brought extensions of suffrage and free education, as well as rotation in office. These continued, but were joined with a growing demand that monopoly should yield to the common good. The financial or health factors which were inducing municipal trading in England, were less prominent in the United States.<sup>3</sup>

Other forces also brought political changes which had

<sup>1</sup> A typical instance was the refusal of the Rock Island R.R. to stop at Enid (pop. 5,000). It was stopping a little farther north, where it was interested in land speculation. An Act of Congress (1894) was necessary to compel the R.R. to stop at the town (Gittinger, *Oklahoma*, p. 170).

<sup>2</sup> Cf. p. 156.

<sup>3</sup> Cf. p. 182.

local reactions. The problem of relationship between the black and the white in the South had forced stringent suffrage limitations, and had made the South inherently a one-party country.<sup>1</sup> In the large cities of the North, a change in the character of immigration, well marked as early as 1895, was offering much food for thought. The races of North-West Europe, which in 1890 represented 78 per cent. of the total foreign born, had declined to 69 per cent. by 1900; while those of South-East Europe had increased from 8 per cent. to 18 per cent.<sup>2</sup> The latter differed far more in traditions and ideals from the older American stock than did the Germans and Scandinavians and Irish that had hitherto made up the bulk of the later immigration. This brought an increase in the complexity of city problems which England with its homogeneity has never known.

#### THE FINANCIAL CYCLE OF 1870-1880

§ 4. *The extent of municipal extravagance.* The unity of the early part of the period is best exemplified in the financial forces that stirred city government. 1870 saw the wave of extravagance at its height. Within two years the country passed through one of the severest panics in its history.<sup>3</sup> This brought about the major characterization of the decade of 1870-80 as one primarily concerned with the struggle of retrenchment against extravagance. Not until its close had any considerable revival in business taken place.

The great changes in the purchasing power of money brought problems of their own. Debts contracted earlier

<sup>1</sup> Mississippi 1890, South Carolina 1895, Louisiana 1898, etc., introduced 'optional' qualifications, comprising ownership of property, education, or descent from one who could vote prior to the Civil War—actually a subterfuge to assure predominance of white suffrage. (Cf. *Encyclopedia of American Government*, vol. ii, p. 539.)

<sup>2</sup> Ibid., article, 'Foreign Population'.

<sup>3</sup> Cf. Bogart, *Financial History of Ohio*, p. 64.

became staggering through a fall in the general price level of 34 per cent. by 1878.<sup>1</sup> These years exemplified well the extreme difficulty of reductions in salaries or any other civic expenses in periods of appreciation of the money unit. In spite of the fall in prices the average per capita expenditure of New York, Baltimore, Boston and Detroit actually advanced 11.2 per cent.; while the total expenditure per capita of cities, villages and townships increased from \$8.51 to \$14.44.<sup>2</sup> City expenses always tend to keep fair pace with the rising prices, but the effect seems cumulative rather than rhythmical, and expenses seldom follow prices downward till long after. Part of this is due no doubt to the inelasticity of the expenditure for debt services, and part, to the increase in size and number of the city services. This latter is almost always at a greater rate than the increase of population. None the less in a system in which the employees are part of a political machine (or even of the electorate), the executive hesitates to offend by a reduction of salaries or of the number of employees.

A further cause for increased expenditure was found in the system of *ad hoc* boards or commissions—particularly those with independent administrative or taxing powers. Unable to see in perspective the needs of the city as a whole, each board, in seeking the advancement of its own programme, arranged its expenditures with little or no regard to the others. There was no adequate central reviewing agency, such as the English Council was still proving. To this was added the constant inefficiency and graft. Partisanship, low standard of public service, popular indifference, bad framework, etc., added to the hopelessness of any comprehensive remedy.<sup>3</sup>

<sup>1</sup> Dun's Index Number, in *World Almanac*, 1923, p. 121.

<sup>2</sup> Data from U.S. Census and City Reports by Prof. Fairlie in *Encyclopaedia of American Government*, article 'Finance'. The figures are probably inaccurate, but the trend is fairly clear.

<sup>3</sup> The costliness of corrupt government may be judged from the fact that during the years when Tweed controlled New York City,

No aspect was more important than the increasing burden of the debts piled up through unsound finance or through desire to camouflage expenditure. Between 1866-1875, fifteen of the principal cities had a population increase of 71 per cent. and a debt increase of 271 per cent. The debt increase in Cleveland was 355 per cent.<sup>1</sup> The larger part of the increase of local debt in the entire country (from \$328,000,000 in 1870 to \$724,000,000 in 1880)<sup>2</sup> took place in the first three years of the '70's.<sup>3</sup> By 1880 the debt service of Providence was 40 per cent. of the total tax levy,<sup>4</sup> while the average for New Jersey cities was almost 50 per cent.<sup>5</sup> In many cities among the chief causes of such a situation was the over-estimate or over-appropriation of revenue. This left a floating debt at the end of the year—eventually to be funded.<sup>6</sup> For example, in 1878, the floating debt of Philadelphia (\$12,000,000) was one-fifth of its funded

carpeting for various city projects cost \$4,829,426.26; plastering \$3,495,626.26; a plumber was paid \$1,508,410.89. (Cf. *Memorial History of the City of New York*, vol. iii, pp. 544 ff.)

<sup>1</sup> Orth, *Cleveland*, p. 258.

<sup>2</sup> *Encyclopedia of American Government*, vol. i, p. 556 f.

<sup>3</sup> e.g. in 1874 the debts of twenty-four cities of New York reached \$175,657,267, or \$75.80 per capita (*N.Y. Assembly Document*, No. 159,

In 1876-7 the interest charge of New York State cities was \$11,000,000, or more than the entire cost (\$9,000,000) of state government (*N.Y. Assembly Document*, No. 68, 1877, p. 5). In Cleveland by 1873, one-third of the tax levy went for debt service (Orth, *Cleveland*, p. 258). For Connecticut cities, cf. *Report of Indebtedness* 1874, p. 3. The increase of debt in Washington, D.C., was from \$3,000,000 in 1871 to \$20,000,000 in 1875. (Cf. Porter, *Washington*, in Johns Hopkins University Studies, vol. iii, Nos. 11, 12.)

<sup>4</sup> Stokes, *Providence*, p. 248 f.

<sup>5</sup> Montague, *Local Administration in the U.S. and U.K.*, which contains a wealth of further detail, largely from 1880 census.

<sup>6</sup> The debt of New York City was \$73,000,000 in 1870; \$113,000,000 in 1876—which figure included the funding of a previous floating debt of \$20,000,000. Cf. also *Richmond Reports* 1872-3, pp. 5 ff.; Baltimore 1868-88 (Hollander, *Financial History of Baltimore*, p. 305).

debt (\$61,000,000).<sup>1</sup> Aid to private corporations was a further factor, particularly in the South.<sup>2</sup> A conservative estimate of aid of this type to railroads alone placed the figure (cities and counties in 1870) at \$185,000,000.<sup>3</sup> The greatest elements were the large number of public works usually undertaken at a cost far above the worth of the result.<sup>4</sup>

§ 5. *The struggle for economy.* With the extent and causes of this crisis in city finance in mind, one can appreciate the force with which the collapse of the nation's business affected the already greatly over-burdened cities. The public works and railroads in which they had invested vast sums were now seen to be not the insurers of prosperity but actually among the principal agents of the financial downfall. The situation was acute; the tardy arousing of the public was as intense for the time being as its suffering. The rest of the '70's was full of a struggle, partly with existing burdens, but perhaps more against their subsequent recurrence. To the credit of the methods used, it can be said that the situation was never again allowed to become so critical.

The methods to remedy the finance situation can be grouped under five main headings:

- (a) extra-mural aid, including subsidies, repudiation, etc.;

<sup>1</sup> Allinson and Penrose, *Philadelphia*, p. 241.

<sup>2</sup> For Louisiana, cf. *Annual Report, Supt. of Public Education*, 1878. For New Orleans, cf. *Annals*, xxv, 'Municipal Debt', p. 210. For Columbia under 'carpet bag' and negro rule, where debt more than doubled in four years (value of improvements only one-seventh of their cost), cf. Snowden, *South Carolina*, p. 897. For Houston, cf. Carroll, *Houston*, p. 79. For Savannah, cf. Gamble, *Savannah*, p. 300.

<sup>3</sup> *Encyclopedia of American Government*, article, 'State Aid to Railroads'.

<sup>4</sup> e.g. New York Court House, estimate \$250,000, cost \$14,000,000 (*Memorial History of City of New York*, vol. iii, p. 544). San Francisco City Hall, estimate \$1,500,000, cost \$3,500,000 (*Report, Assembly Committee to Investigate San Francisco City Hall*, pp. 599 ff.). Houston

- (b) election of officials pledged to retrenchment and economy;
- (c) scientific control of financial procedure;
- (d) changes in the system of taxation and assessment;
- (e) legislative and constitutional checks upon debt and expenditure.

All but the first were influential in establishing American municipal traditions.

Much improvement was also anticipated from the various charter changes designed to secure a more honest government, as distinguished from a more economical. There was no want of realization of the seriousness of the finance problem, but those in power who might have furnished the leadership were too often merely scheming politicians. The public at large had no municipal philosophy save the old trust in written laws. The more effective remedies were kept for later days.

§ 6. *Extra-mural aid.* The state subsidy was relatively little used, and never acquired the place accorded it in English local finance.<sup>1</sup> The tradition of local self-reliance was thus early established. Actual repudiation as an effective means of relief from debts was not confined to Southern cities.<sup>2</sup>

§ 7. *Political action.* A small measure of success rewarded the efforts of such cities as attempted economy by election of officials pledged to the ideal of a low tax

market house, estimate \$228,000, cost \$470,000 (Carroll, *Houston*, pp. 78 ff.). Peoria water works, estimate \$310,000, cost \$453,000 (Rice, *Peoria*, pp. 322 ff.), etc., etc.

<sup>1</sup> Cf. p. 213.

<sup>2</sup> e.g. Selma and Mobile bankrupt: charter of Mobile repealed (Brown, *Alabama*, pp. 291, 295). Cairo, Ill., stopped interest payments (Lansden, *Cairo*, p. 84). Duluth paid only 50 cents on the dollar (Woodbridge and Pardee, *Duluth*, pp. 418, etc.); Houston, cf. Carroll, *Houston*, pp. 94 ff. Memphis struggled until its yellow fever epidemic (Young, *Memphis*, pp. 162, etc.). New Orleans (*Annals*, xxv, 'Municipal Debt', p. 211) and San Antonio (*History and Guide of San Antonio*, p. 77 f.) had particularly good records, paying all their debts after a great struggle which handicapped other municipal functions.

rate. A low tax rate, economy, and even parsimony assumed an importance as municipal issues that had not been theirs at any previous time. There was scarcely a city that at some time during the decade did not elect a mayor on such an issue.<sup>1</sup> However, popular demand was generally not strong enough to reach the councils and boards. The weaknesses of this method were partly inherent in characteristics which made possible deep-rooted abuses, incapable of any speedy removal; and partly due to the fact that the people themselves were incapable of maintaining 'reform' over any considerable period. It was easy for the forces of partisanship and corruption to regain their power.

§ 8. *Developments in the budget.* More valuable and lasting in their ultimate result were the less known attempts at scientific budget control. Until 1870 the budget had been almost entirely in the hands of the council, and continued largely so during the decade. Yet many reforms in procedure were introduced. These attracted but little notice, but proved wholesome in their effect. Of these perhaps the most important was the Illinois Law of 1872,<sup>2</sup> which was copied by some of the neighbouring states.<sup>3</sup> It stipulated that the objects of appropriation must be specified, and that no further appropriation might be made unless sanctioned by popular referendum. All expenditures for improvements from the general fund must come within the amount specifically provided—the only exception being by sanction of two-thirds of the council in case of casualty or accident.

<sup>1</sup> e.g. Chicago, 1878 (*Report, Chicago Citizens Association*, 1878, p. 8); Cleveland, where the council asked the state to lower the tax limit (Williamson, *Finances of Cleveland*, p. 78); Havemeyer, New York City (*N.Y. Senate Document No. 79*, 1876, p. 2); Clarke, Providence, 1870 (Stokes, *Providence*, pp. 247 ff.), etc.

<sup>2</sup> Cf. *Illinois, Public Laws 1871-2*, p. 240.

<sup>3</sup> Michigan 1873, Colorado 1877, Wyoming 1886, Nebraska 1887, Dakota 1887, Montana 1895 (cf. Clow, *City Finances*, p. 118). The Law rather failed in Michigan (*ibid.* p. 47).



No further contracts might be made not provided for by specific appropriation. The particular evil aimed at was the reckless spending in excess of appropriations (or without any appropriation) which had been one of the main factors in the creation of floating debt. 'Pay as you go' also figured as a municipal reform.<sup>1</sup> Miscellaneous devices to secure this and other sound principles appeared in great numbers.<sup>2</sup>

Of a different nature were the signs of restiveness at complete budgetary control by the council. The introduction in New York City, in 1870, of a new budgetary authority in the shape of a Board of Estimate and Apportionment—a majority of whose members were appointed by the mayor—was a device of the 'Tweed Ring' to perpetuate its own power; but it was kept in later charters, as it was found to have possibilities in the way of fixing responsibility not heretofore realized under the old methods. Detroit imitated the provisions in 1873,<sup>3</sup> and it was later adopted by most of the larger New York cities and by Baltimore.<sup>4</sup> The controller too was vested

<sup>1</sup> e.g. Chicago 1876 (Moses, *Chicago*, p. 221); Richmond 1873 (*Annual Reports, Richmond*, 1873, pp. 5 ff.); San Francisco carried it to a wasteful extreme (Young, *San Francisco*, vol. 2, p. 516); cf. Cleveland 1876, and the 'Burns Law', which stopped all appropriations save when sufficient money was in the treasury (Williamson, *Finance of Cleveland*, p. 122).

<sup>2</sup> e.g. Cleveland 1873 (*ibid.* p. 122); New Orleans 1877, no more than 90 per cent. of estimated revenue to be appropriated in advance (Clow, *City Finances*, p. 116); California cities 1883 (cf. *ibid.* p. 120); Philadelphia 1879, declared void any appropriation in excess of the estimate (Allinson and Penrose, *Philadelphia*, p. 241); Memphis, a 'taxing district' established under state control (Young, *Memphis*, p. 188) (cf. p. 274 below).

<sup>3</sup> In the case of Detroit, the mayor was not the responsible authority. Two members of the Board were elected from each ward and five at large. From 1881 to 1887 it was replaced by an upper house of the council (Wilcox, *Municipal Government in Michigan and Ohio*, pp. 112, 116).

<sup>4</sup> Also New Haven, Superior, Minneapolis, and a few other cities, chiefly in Ohio. Boston tried it in 1898-9 only. For a general study, cf. Clow, *City Finances*, pp. 111 ff. For Baltimore, cf. Hollander, *Baltimore*, p. 358; for the 'White Charter' (N.Y. State cities) 1898, cf. Fairlie, *Centralization in New York State*, p. 19.

with more power, due to the same desire for a check on the irresponsible council.<sup>1</sup>

### CONSTITUTIONAL REMEDIES FOR MUNICIPAL PROBLEMS

§ 9. *Tax and debt limits.* Perhaps at the time the most hopeful of the avenues of reform, and ultimately one of the most disappointing in its results, was the establishment of statutory or constitutional tax and debt limits. It was thought that the best way to secure economical government was to make it impossible to spend more, or to incur more debt, than a given percentage of the assessed valuation. This was an illustration of the American faith in the efficacy of the Constitution or the statute book to secure an end through the mere expression of laws or principles. New York State had adopted constitutional limitation of the municipal tax rate in 1846. Between 1870 and 1880, nine other states added similar provisions relating either to cities or counties. Debt limitation was somewhat more extensively used, thirteen states having employed this check before

<sup>1</sup> e.g. Philadelphia 1879, where he is directed to submit his estimates and suggestions with those of the department heads (Allinson and Penrose, *Philadelphia*, p. 176); New York City (*N.Y. Assembly Document No. 60*, 1876); Boston 1885 (Clow, *City Finances*, p. 111).

<sup>2</sup> *N.Y. Senate Document, No. 30*, 1891, pp. 518 ff. Cf. also Clow, *City Finances*, pp. 10 ff.

e.g. Alabama 1875, Art. 10, sec. 7, limit of city taxation \$.50, debt service exempted; Arkansas 1874, Art. 12, sec. 4, limit of city taxation \$.50, for debt service \$.50; Colorado 1876, debt limit 3 per cent. (cf. King, *Denver*, p. 92); Illinois 1870, debt limit 5 per cent., extinction in twenty years (Merriam, *Revenues of Chicago*, p. 6); for Indiana 1880, cf. Kettleborough, *Constitution making in Indiana*, p. 176; for Maine 1877, cf. Hatch, *Maine*, p. 720. Missouri 1875, Art. 10, sec. 11, furnished the most elaborate system of gradings according to population for tax limits. Sec. 12 treating of debt limits is fairly stringent. 'No city . . . shall be allowed to become indebted in any manner or for any purpose to an amount exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the voters thereof voting at an election to be held for that purpose, nor in any case requiring such assent

The laws of this nature usually did not enjoy even the limited success of the constitutional provisions.<sup>1</sup> In the first place, they possessed the defect that soon became apparent in the constitutional provisions also—namely, the finding of other expedients or loopholes to gain the same ends.<sup>2</sup> In addition, the laws were easier to amend, which made the number of statutory exemptions a growing one. Probably the most characteristic form of statute was an incorporation in the individual city charter.

The success of these measures was so varied that it is difficult to generalize. When supported by public opinion, as they were at their initiation, they undoubtedly had a salutary effect. Those with the fewest loopholes undoubtedly continued to keep down debt and possibly expenditure as well. This was not without its price in quality and extent of service, and the growing city was often forced into operations not countenanced by sound finance.<sup>3</sup> The measures do at least illustrate the peculiar American philosophy of a people willing to check themselves through their constitutions. Especially with reference to control of debt, subsequent history of these provisions deserves careful comparative study with English methods.<sup>4</sup>

The provisions requiring sanction for debt or expenditure by popular vote were usually complete failures, for the people themselves under the stimulus

shall any indebtedness . . . be increased . . . exceeding 5 per cent. on the value of the taxable property therein.' New York 1884 (Const. Amdt.) cities over 100,000, 10 per cent. debt limit; twenty-year term of loans; 2 per cent. tax limit, etc., etc.

<sup>1</sup> e.g. Illinois limits on taxation for libraries and schools were frequently changed (Merriam, *Revenues of Chicago*, p. 6); school tax limit, Ohio (cf. Orth, *Centralization in Ohio*, pp. 33 ff.); Providence, where the law was futile (Stokes, *Providence*, pp. 24 ff.).

<sup>2</sup> Cf. p. 328.

<sup>3</sup> e.g. Cleveland was forced into an exaggerated use of the special assessment (Orth, *Cleveland*, p. 254).

<sup>4</sup> Cf. pp. 329 f., 518.

of civic pride were apt to be the first to encourage new projects.<sup>1</sup>

§ 10. *Extent of Special Legislation.* The evils of legislative interference continued.<sup>2</sup> By 1880 there were some signs of its abatement. This was due to the relentless battle waged against it by the municipalities and by statesmen far-seeing enough to fight violations of the principle of home rule.

Here as in the finance problem flagrant abuses seemed necessary before the public could be sufficiently aroused to make itself felt. Thus in Pennsylvania, 1866-70, there were 7,126 private Acts compared with 240 public Acts—6,523 pages of the former and 446 of the latter.<sup>3</sup> The charter of Jersey City was revised ninety-one times between 1835 and 1875.<sup>4</sup> The date of the municipal elections in St. Paul was changed three times in four years.<sup>5</sup> Special legislation had been largely responsible for the era of *ad hoc* boards unrelated to the main scheme of government, but had been incapable of the thought systematically to co-ordinate or revise an entire charter. The piecemeal legislation of Parliament is an obvious

<sup>1</sup> e.g. Washington, D.C. (Porter, *Washington*, Johns Hopkins University Studies, vol. iii, Nos. 11, 12, var.).

<sup>2</sup> Montague, *Local Administration in the U.S. and U.K.*, ch. ii (quoting Eaton, 'Municipal Government', in *Journal of Social Science* 1873, p. 6), says that in New York each of the four years after 1867, legislation concerning cities exceeded the total in England since the Municipal Corporations Act of 1835. In 1870 there were thirty-nine for Brooklyn alone. In Pennsylvania 1871, there were eighty-two public Acts (94 pages) and 1,240 private laws (1,317 pages) (*Convention Manual*, Penn. 1872, p. 48). For New Jersey, cf. *New Jersey Commission to Revise Statutes Relating to Cities*, 1916, p. 5. For New York, cf. *N.Y. Senate Document*, No. 80, 1891, p. 11; *N.Y. Assembly Document*, No. 159, 1875, p. 15. In 1874 the New York City Board of Estimate disregarded legislative instructions to build four baths (*N.Y. Assembly Document*, No. 42, 1876, p. 1). In 1878 Pennsylvania passed a law making legal the stealings of the Philadelphia collection of delinquent taxes (Allinson and Penrose, *Philadelphia*, p. 235).

<sup>3</sup> *Convention Manual*, Penn. 1872, p. 48.

<sup>4</sup> Lee, *New Jersey*, vol. iv, p. 243.

<sup>5</sup> Castle, *St. Paul*, p. 177 f.

parallel.<sup>1</sup> In each case there was transgression of the principle of home rule.

§ 11. *Limitations on the state legislatures.* Realizing the peculiar confidence in its power which a written constitution gives a people, it is not surprising to find the people still allowing these constitutions to do the work which their own public opinion might have done in inveighing against special legislation in the same manner as against excessive debts and taxes. Prohibitions of this nature were added in many further constitutions.<sup>2</sup> The new states admitted in 1889 continued the practice.<sup>3</sup> The ultimate effect of the constitutional weapon deserves watching, inasmuch as it was unknown to British cities in their somewhat similar struggle to make their wishes effective in Parliament.

The provision of the California Constitution of 1879 may be quoted as fairly typical: 'Corporations for municipal purposes shall not be created by special laws, but the legislature by general laws shall provide for the incorporation, organization and classification in proportion to population of cities and towns, which laws may be allowed, amended or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine. . . .'<sup>4</sup> Virginia (1870) went even farther and incorporated an

<sup>1</sup> Cf. p. 175.

<sup>2</sup> Louisiana 1879 (except New Orleans), Pennsylvania 1873, Tennessee 1870, Texas 1873, West Virginia (under 2,000) 1872; cf. Wilcox, *Municipal Government in Michigan and Ohio*, pp. 14, etc., for the experience of these states; cf. Guitteau, *Constitutional Limitations upon Special Legislation concerning Municipalities*, for general treatment—not very thorough except for Ohio and Pennsylvania.

Cf. Goodnow, *Municipal Problems*, for the general subject.

<sup>3</sup> Montana, N. Dakota, S. Dakota, Washington. Also Mississippi 1890, Kentucky 1891, Minnesota 1896.

<sup>4</sup> Art. 11, sec. 6.

entire charter in her Constitution.<sup>1</sup> In addition many states forbade certain specific types of special legislation.<sup>2</sup>

Such provisions now occurred in the majority of the states. Their initial effect was usually beneficial. Thus the reduction of the number of laws passed at a single session in Illinois from 3,000 to 200 was in itself no mean achievement;<sup>3</sup> both from the point of view of releasing the legislature from an arduous duty, and from the standpoint of the advocates of municipal self-government. Furthermore the general law that followed left such wide powers to the local council that most administration came to be by ordinance rather than by statute.<sup>4</sup> Any stringency in its subsequent operation was further mitigated by passing a series of permissive Acts,<sup>5</sup> by a group of Acts applying only to cities between 50,000 and 100,000, and above 100,000 (Chicago only),<sup>6</sup> and finally in 1904 by a constitutional amendment permitting special Acts for Chicago subject to a referendum. The efforts of other states were not always so successful.<sup>7</sup>

§ 12. *Beginning of 'home rule'.* However, it must not be thought that all legislative action with regard to cities was harmful. Furthermore mention must be made of the series of legislative investigations of the city

<sup>1</sup> Art. 6, sec. 14-20. Similarly Idaho, 1890, regulated its local government.

<sup>2</sup> e.g. Illinois 1870, Art. XI, sec. 4, granted a local veto on state grants of street railroad franchises.

<sup>3</sup> Under provision of 1870 Constitution.

<sup>4</sup> Illinois, Municipal Corporations Act 1872. For example, health powers included (a) definition of nuisance, (b) abatement with penalties, (c) hospitals and dispensaries, (d) blanket (i.e. omnibus) powers to do all acts and make all regulations expedient for promotion of health and suppression of disease (Bowditch, *Hygiene in America*, p. 325). For liberal financial powers, cf. Merriam, *Revenues of Chicago*, p. 5.

<sup>5</sup> e.g. in 1889 Chicago organized its Sanitary District by an optional general law (Moses, *Illinois*, p. 932).

<sup>6</sup> e.g. Civil Service Law 1895; cf. Sparling, *Chicago*, p. 87.

<sup>7</sup> Cf. p. 268. For New Jersey, etc., cf. Oberholtzer, *Referendum, etc.*, var.

governments. Though these often had a partisan motive they succeeded in uncovering many abuses, and in crystallizing the best municipal thought of the time.<sup>1</sup> Historical sketches of city government usually ignore the fact that the detailed special legislation was often in itself good.<sup>2</sup>

A little later than the type of constitutional provisions mentioned above, there came to light another and more hopeful course of action. The privilege of charter-framing was conferred outright on the cities through the medium of the constitution. Instances of such conferment by legislative action were not unknown but had attracted little attention. Their constitutional basis was, to say the least, precarious.<sup>3</sup>

Accordingly the provision of the Missouri Constitution of 1875, conferring upon the cities above 100,000 (then, only St. Louis) the right to frame their own charters, marked a unique and important step in solving the question of state interference. At the same time this retained flexibility. The lead of Missouri was not immediately followed by any considerable number of states; but in 1879 California gave such a right to its larger cities, subject to legislative consent—which has never been refused.<sup>4</sup> Washington in 1889, and Minnesota in 1892, were the only others to employ this constitutional remedy by 1900.

<sup>1</sup> e.g. 'Fassett Committee', *N.Y. Senate Document, No. 80, 1891*; Pennsylvania Commission 1876, appointed by Gov. Hantranft (Allinson and Penrose, *Philadelphia*, p. 266). Cf. also below, p. 160.

<sup>2</sup> e.g. Denver till about 1890, and most Colorado cities, found the legislature so responsive that they preferred special legislation (King, *Denver*, pp. 76 ff., 92, 108). For the similar experience of Providence during the '70's, cf. Stokes, *Providence*, p. 313.

<sup>3</sup> Duluth 1887 (Woodbridge and Pardie, *Duluth*, p. 426). Iowa 1858, Louisiana 1886, Mississippi 1892, S. Carolina 1899, Florida 1907, Connecticut 1913, etc. Laws of this kind were declared void in Michigan and Wisconsin (McBain, *City Progress and the Laws*, var.). Cf. p. 266 below.

<sup>4</sup> Due to influence of Workingmen's Party (*Bay of San Francisco*, vol. i, p. 271). The legislature must accept or reject entire charter. It cannot alter it.

## FUNCTIONS UNDER LOCAL AUTONOMY

§ 13. *Public health.* Functional development during the period was uneven and intermittent—a type of development not unexpected under conditions of virtual local autonomy. It proceeded no farther than local support would warrant, though central advice was often most useful in stimulating a tardy public opinion.<sup>1</sup>

Public health was particularly backward in the early years of the period.<sup>2</sup> Due to the initial limitations of decentralization, there was nothing in America to equal the English Public Health Act of 1875. Isolated cities opened dispensaries or installed systems of milk inspection, or developed systems of sewerage;<sup>3</sup> but before any

<sup>1</sup> Cf. p. 95 f.

<sup>2</sup> The best study of public health in the early '70's is contained in Bowditch, *Hygiene in America*. This was published for the Centennial of 1876. The answers to some of the questions which he received from 179 leading medical men in every state and territory were particularly illuminating. For example, only twelve states (including D.C.) reported the expenditure of state money for boards of health, state or local. Massachusetts reported \$7,500-\$17,500, Louisiana \$2,000-\$24,000 (largely port control), Michigan \$4,000, District of Columbia \$60,000. The others were under \$2,000. Only twelve states reported grants for investigation of causes of disease. Michigan, Massachusetts, and Louisiana seemed to lead. Four states reported an organized body of correspondents or inspectors. Town boards of health on the other hand were reported from thirty-six states, showing the local origin of health work. Of 143 cities and towns reporting, eighty-two used wells and sixty-one rivers for water supply. Of the total only forty-nine, or 34.26 per cent., claimed attention to purity. Sixty-nine, or 48.25 per cent., reported total inattention, while the remainder were indefinite. Only thirteen states reported sewers to carry off water supply. Of these thirteen, four reported use of surface drains also, eight reported sewers otherwise incomplete, and only Providence reported 'perfect' sewage. Indiana and Iowa 1876 had no health legislation save to protect cattle (p. 328). In Dallas 1876, the Board of Health resigned, as the city authorities paid no attention to it (Lindsley, *Dallas*, p. 114). In 1875 in Georgia there were only five local boards (*Annual Report, Georgia Board of Health, 1874-5*, p. 63). In Maryland 1878, only Baltimore had a Board of Health (*Report, Maryland Board of Health, 1878*, p. xxx).

<sup>3</sup> For Richmond 1873, cf. *Report, Richmond, 1873*, pp. 119-172. Cleveland appropriated \$24,000 (Bowditch, p. 99); cf. also Denver (*ibid.* p. 95); Sacramento (*ibid.* p. 311); and Rhode Island (Taylor, *Rhode Island*, p. 201).



generally substantial progress could take place, there had to be some focus or centre of intelligence if not of authority. After 1890 the cities did much better.<sup>1</sup>

Additional health powers were granted regularly in many of the states,<sup>2</sup> while others extended a comprehensive grant. In Illinois as early as 1872 such a general grant covered blanket powers to do all acts and make all regulations expedient for promotion of health and suppression of disease, for definition of nuisance and abatement, and for hospitals and dispensaries.<sup>3</sup>

§ 14. *Education.* The case of education was different.<sup>4</sup> Its roots lay in local self-government;<sup>5</sup> and the principle of the free provision even of secondary education was quite generally accepted by 1870.<sup>6</sup> It remained to translate this principle into action. Incomplete data place the number of public high schools founded before 1870 as 160. This had grown by 1880 to about 800. In 1890 there were 2,526 and in 1900, 6,005.<sup>7</sup> In 1878, in

<sup>1</sup> Cf. p. 297.

Pennsylvania's health efforts were vigorous even earlier (*Annual Report, Penn. State Board of Health, 1900-5*, p. 111).

For deplorable conditions in Philadelphia 1883, where water was not fit for bathing and where street cleaning had been abandoned, cf. Allinson and Penrose, *Philadelphia*, pp. 26 ff. Housing reform was energetic in New York City in 1886-7 (*N.Y. Senate Document, No. 16, 1888*, p. 21, etc.).

<sup>2</sup> e.g. New Jersey (*Report, New Jersey Board of Health 1897*, p. 25 f.), California (*Report, California State Board of Health, 1898-1900*, pp. 133 ff.).

<sup>3</sup> Bowditch, *Hygiene in America*, p. 325. Powers were under the Illinois Municipal Corporations Act 1872. For wide grants of power to Pennsylvania cities in the '90's, cf. Peabody, *Legislation re Public Health*, p. 119. In 1889, 1891, Denver was given even wider powers to pass any and all ordinances for the protection and preservation of the 'good order, health, good government and general welfare of the city; and also for the protection and preservation of any city property' (King, *Denver*, p. 109 f.).

<sup>4</sup> Cf. Dexter, *Education in the United States*, and Cubberly, *Public Education in the United States*, which are usually followed here; save where other sources are indicated.

<sup>5</sup> Cf. pp. 7, 15 f.

<sup>6</sup> *Encyclopedia of American Government*, article, 'Education'.

<sup>7</sup> (Dexter); for Maine, cf. Hatch, *Maine*, p. 755 f.

California, high schools were excluded from state funds. Yet none were closed, and more and more were authorized at local expense.<sup>1</sup>

In elementary education efforts were first directed toward equalizing the facilities and then toward adding to the amenities. Local sentiment continued to gather strength in support.<sup>2</sup> By 1880, 19.67 per cent. of the total population were enrolled in public schools.<sup>3</sup>

Education also furnished a good example of the capacity of functions for internal growth, which characterized much of the period in both countries.<sup>4</sup> Education was extended to include kindergartens, city normal schools, night schools, and lectures. The curriculum was expanding to include nature study, drawing, music, manual training, technical education, hygiene; compulsory edu-

<sup>1</sup> *Report, Superintendent of Public Instruction, California, 1902-4*, p. 179.

<sup>2</sup> In 1902 state expenditure for education was \$61,403,000, county \$35,145,000, city \$98,582,000, minor civil divisions, including school districts, \$87,138,000. Central expenditure was thus about 21.5 per cent. of the whole (*Encyclopedia of Amer. Govt.*, article, 'Finance'). For California, cf. *Report, Superintendent of Public Instruction, 1891-2*, pp. 5 f., 46. For Missouri, cf. Snow, *Missouri*, pp. 53 ff. In 1870, 95 per cent. of the cost of Pennsylvania schools was locally borne (*Penn. School Report 1870*, p. xvii). Chicago increased the percentage of its entire municipal tax levy devoted to schools from 15.1 per cent. of the whole in 1880 to 30.2 per cent. (1890) and 42.1 per cent. (1900) (Merriam, *Revenues of Chicago*, p. 19). In 1897-8 Chicago schools received \$226,000 state aid and \$6,640,000 from local tax (Judson, *Illinois*, p. 164). For Kansas schools, cf. *Wyandotte Co. and Kansas City, Ks.*, p. 14.

<sup>3</sup> Dexter, p. 164.

<sup>4</sup> Public Kindergartens 1892-459, 1898-1,365, 1901-2,996 (Dexter). Normal Schools (cities maintaining same) 1880-21, 1902-44. Evening Schools, 1880-32 cities, 1890-165 cities. Free lectures, New York City only, till about 1900 (Dexter, p. 573).

Drawing, first in Massachusetts in 1870 (*ibid.* p. 403). Music by 1885 for seven-eighths of pupils. Manual Training by 1889, twenty-eight cities (Dexter, var.). Nature study, Des Moines 1883 (Bingham, *Des Moines*, p. 299). For account of growth of manual training, cf. *Report, Illinois Bureau of Labour Statistics, 1898-1900*, pp. 244 ff. By 1901, 232 cities were giving manual training instruction (*Encyclopedia Amer. Govt.*, article, 'Manual Training').

cation laws were introduced or made more stringent;<sup>1</sup> school terms were lengthened;<sup>2</sup> qualifications for teachers were raised; more and better facilities were extended—all the numberless items that obtain under the general head of quality, evidenced a growth not only in the appreciation of values, but in the material ability to secure better things. The total expenditure for education, which in 1870 was \$69,107,612 (\$1.75 per capita, \$15.20 per pupil in average attendance)<sup>3</sup> had grown to \$249,374,000 in 1901-2 (\$2.99 per capita, \$22.67 per pupil).<sup>4</sup>

§ 15. *The ad hoc school board.* As the cities grew, committees of the council proved inadequate as well as incompetent for the peculiar problems arising in connection with school administration.<sup>5</sup> Moreover a large part of the country had kept the 'school district' as a unit and had never entrusted the schools to the municipality proper. The existence of an *ad hoc* school board brought at least two inherent problems—what should be the appointive authority, and what measure of independent financial and administrative control should be allowed the board. Unlike England, there was no clearly defined policy. Boards, perhaps in neighbouring cities, were in turn elected by the people, appointed by the council, or (a more recent development) appointed by the mayor.<sup>6</sup>

<sup>1</sup> Average daily attendance 1869-70, 59.3 per cent.; 1890-1900, 68.6 per cent. (Dexter, p. 164). For Ohio, 1893, cf. Orth, *Centralization in Ohio*, p. 49. By 1900-1, forty-three states had compulsory education laws (Rollins, *School Administration*, p. 170), e.g. Wyoming, six to twenty-one years for unemployed.

<sup>2</sup> The average term in the United States in 1870 was 132.1 days; in 1899-1900, 144.3 days (Dexter, p. 164).

<sup>3</sup> *Encyclopedia of Amer. Govt.*, vol. i, pp. 650 ff., 'Education'.

<sup>4</sup> Dexter, p. 164.

<sup>5</sup> Cf. Rollins, *School Administration*, for the various methods of local control.

<sup>6</sup> For appointment by the mayor, cf. Baltimore 1898 (Steiner, *Government of Maryland*, p. 178); Chicago 1889 (Sparling, *Chicago*, p. 133). Milwaukee in 1897 put the appointment in the hands of a bi-partisan commission of four men, one from each ward, appointed by the mayor. Although an anomaly it seems to have worked well—at least for a time (*Annals* xxv, 'School Administration', p. 177 f.).

Another city might still retain the committee of the council. Nor was the system of financial control any more logical, though in actual administration interference was exceptional. Naturally the council was reluctant to surrender budgetary control; but partly by political exigencies, partly by a genuine distrust in the council or a desire to have the schools freed from its control, the boards of education were beginning to be endowed with separate financial powers.<sup>1</sup> Instances of this occurred even where the 'school district' did not prevail.

§ 16. *Public works.* The other services of the city were also growing, notably the so-called 'public works'.<sup>2</sup> Projects were undertaken by the city authorities in great variety, especially at the beginning and the end of the '70's. A frenzy of optimistic expansion seems to represent a phase in the life of most American cities. Each decade has its own tale to tell of obligations undertaken too far in advance of the city's status to have been warranted.<sup>3</sup> The marked development of public utilities had filled the streets with street railways and telephone poles and wires. Water mains and sewers kept the streets in a constant state of being torn up, thus exaggerating the problem of congested traffic. Streets had to be paved and cleaned, and these operations financed. Their

<sup>1</sup> Rollins, p. 52. Denver 1874, 1876 (King, *Denver*, p. 76); Massachusetts, cf. Whitten, *Administration in Massachusetts*, p. 31. In 1878 the Library Board of Cleveland (appointed by the Board of Education) was given separate taxing powers (Williamson, *Finances of Cleveland*, p. 43; Orth, *Cleveland*, p. 253).

<sup>2</sup> This was the period during which Washington was improved to its modern standard. Out of the extravagance came its modern government by a small commission appointed by the President. For details of this interesting episode in American municipal life, cf. Porter, *City of Washington*, Johns Hopkins University Studies, vol. iii, Nos. 11, 12.

<sup>3</sup> Cf. Lee, *New Jersey*, iv, pp. 114, 123; Hatch, *Maine*, p. 720; Gamble, *Savannah*, p. 288; Larson, *Milwaukee*, p. 104; Bentley, *Wichita*, p. 234; *Annals*, xxv, 'City Life and Progress', p. 198 (Duluth); Robinson, *S. Dakota*, pp. 153 ff.; Smith, *Indiana*, p. 275; etc.

relations to the spoils system had to be determined. Questions were now pressing as to what share of the expense should be borne by the city, and what share by special assessment upon the property benefited. The numerous grade crossings brought their own dangers. Their elimination was to prove a fruitful source of contest or collusion between the city authorities and the railroads.

§ 17. *Miscellaneous functions.* Prior to 1890, as permanent paid fire departments were replacing the old volunteer bodies, the protective services of fire and police assumed the character of vast political machines under the spoils system.<sup>1</sup> The growth in parks and libraries was continuous. Baltimore in 1890 established an Art Commission—a forerunner of city planning. Cleveland established a department of forestry in 1897. Tenement house control was vigorously undertaken in New York City.<sup>2</sup>

§ 18. *Municipal ownership and the utilities.* The public utility or municipal ownership problem revealed many interesting aspects. Though not so settled or general a policy as in England, municipal construction,

<sup>1</sup> This was true even in smaller cities. Cf. Rice, *Peoria*, p. 340; Gilbert, *Evansville*, p. 200; Hunt, *Tacoma*, p. 42.

<sup>2</sup> For parks, cf. *N.Y. Senate Doc. No. 26*, 1884, p. 25, etc. New York appeared to be the only large American city in 1884 without adequate park space (1 acre to 1,363 population); Brooklyn, 1 to 639; Baltimore, 1 to 515; Philadelphia, 1 to 300; Chicago, 1 to 200; Boston, 1 to 190; Washington, 1 to 150. By 1900 Kansas City, Mo., probably led with 1 to 115 (Griffith, *Kansas City*, p. 126). Cf. also Crawford, 'Park Systems,' in *Annals*, xxv, Mar. 1905. Boston's Metropolitan System (developed after 1893) was noteworthy. Cf. also Parsons, *Minneapolis*, p. 107; Larned, *Buffalo*, p. 179; Larson, *Milwaukee*, p. 143.

Permissive general laws for libraries: before 1870, five states 1870-80, fourteen more; 1880-90, eight more; 1890-1900, ten more (*Encyclopedia of Amer. Govt.*, art. 'Education'). The Illinois optional law (1872) was adopted by thirty-nine cities by 1880 and by sixty-four by 1889 (*Illinois Blue Book*, 1903, p. 493). For Cleveland, forestry cf. Orth, *Cleveland*, p. 176. For tenement house control, cf. *N.Y. Senate Doc. No. 16*, 1888.

ownership, or operation was experimenting.<sup>1</sup> Boston bought a ferry, and lost by it (till 1878). The Cincinnati Southern Railroad was a municipal project which was leased to a private company.<sup>2</sup> Municipal baths became quite usual.<sup>3</sup> New York City established a department of docks on a huge scale. The financial operations of some cities were dominated during many years by the construction of water works.<sup>4</sup>

Unlike the United Kingdom, where a sounder and less spectacular development was taking place in the direction of safeguards or by means of municipal ownership, the distribution of franchises to private companies continued with little regard for the city's rights.<sup>5</sup> Their monopoly value was not at first understood; and the people, seeing only the initial benefit of the service rendered, were impatient to get things done. In the larger cities the bosses or councils began to be conscious of their power in this matter, and were extorting large sums in return for franchise privileges.

During the '80's the possibilities of municipal ownership were further explored, chiefly by the cities of the Middle-West.<sup>6</sup> The experience of the Eastern cities, with their increasing corruption, was not such as to encourage city control of industry; and the private

<sup>1</sup> Enabling Act for municipal water works, Illinois 1873, cf. Sparling, *Chicago*, p. 118. Richmond bought its gas works in 1867 (*Report, Richmond*, 1873, pp. 8 ff.). Wheeling 1871—gas works (Wingerton, *Wheeling*, p. 256).

<sup>2</sup> Goss, *Cincinnati*, p. 223 f.

<sup>3</sup> Milwaukee 1890 (free); Yonkers 1894; mandatory for N.Y. State cities 1895; etc.

<sup>4</sup> e.g. in Larson, *Milwaukee*, p. 119.

<sup>5</sup> For San Francisco, cf. Young, *San Francisco*, vol. 2, p. 577; Denver, cf. King, *Denver*, p. 80 f. (the population of the city was only 4,759); Cleveland, *Cleveland City Record*, vol. 1, p. 17 f.

<sup>6</sup> Municipal lighting plants permitted in Massachusetts 1891, with the stipulation that pre-existing plants must be purchased (Whitten, *Administration in Massachusetts*, p. 130). Municipal electric lights, Fairfield 1882, Decatur 1886, Chicago 1887, Detroit 1895, etc. Cities sometimes sold their plants, cf. Rice, *Peoria*, p. 334.

companies lost no opportunity to discourage municipal projects.<sup>1</sup>

Development by 1900 can be judged from the following table:

	Water	Gas	Electricity
Private Plants -	1,539	951	2,572
Municipal Plants	1,787	14	460 <sup>2</sup>

The depression and unemployment of 1894 were responsible for the temporary introduction of allotments for gardening in Detroit and certain other cities.<sup>3</sup>

§ 19. *Causes of functional growth after 1890.* The decade 1890-1900 showed an unprecedented functional development, the underlying motives of which deserve mention. This development was due to other things besides the necessities arising from growth of population, though this factor continued to be important. An improvement in the economic status of the individual found its municipal expression in the demand for more and better services on the part of the city government.<sup>4</sup>

Furthermore, the idea of progress was a natural accompaniment of an improving economic status, and with the idea of progress came a quickening of thought. Probably the chief channel that this took in both countries was the development of social consciousness. Once *laissez faire* is abandoned—as it had been long since except for its by-product of ‘individual rights’—altruism must inevitably suggest many channels of government activity. In America compulsory free education had in its original impetus more the desire for an intelligent state; but the other note, never wholly absent, of the desire to give the

<sup>1</sup> Cf. p. 263.

<sup>2</sup> Ashley, *Local and Central Government*, p. 210, quoting *Fourteenth Annual Report, U.S. Commissioner for Labour*.

<sup>3</sup> Utley and Cutcheon, *Michigan as a Province*, p. 220.

<sup>4</sup> e.g. Mathews, *Boston*, p. 175.

individual a fair chance now became more prominent.<sup>1</sup> This became a point of difference between the American philosophy and the more paternal English doctrines. The group of humanitarian functions, the later outgrowth of the social consciousness, were still largely in the hands of private organizations, though the isolated appearance of the playground<sup>2</sup> and the juvenile court<sup>3</sup> were suggestive of the future.

The social conscience was also a prime factor. It was the beginning of an age of large public benefactions, signalized by the advent of the Carnegie libraries—gifts usually conditional upon subsequent upkeep at local expense.<sup>4</sup> Dispensary and hospital service became more usual.<sup>5</sup> Medical inspection appeared in some of the schools.<sup>6</sup>

Thus three factors—complexity, prosperity, altruism—were all involved in the growth of city functions. This

<sup>1</sup> An early expression of this was in the *Report, Supt. of Public Instruction*, Cal. 1871-2, p. 52, 'Justice and sound policy require that the poorest . . . boy . . . should have as abundant facilities for a common school education as the son of the richest citizen . . .'

<sup>2</sup> Boston, about 1893 (Crawford, 'Park Systems', in *Annals*, vol. xxv, Mar. 1905, p. 23). For its 1885 effort, cf. *Encyclopedia of Amer. Govt.*, vol. ii, p. 694.

<sup>3</sup> Separate hearings in Mass., N.Y., etc., from about 1890. Separate court, Chicago 1899; Denver, a little later (*Encyclopedia of Amer. Govt.*, article, 'Juvenile Courts'; Illinois *Blue Book* 1903, p. 167; Lindsey, *The Beast*, var.).

Adult probation began in Mass. 1878, Rhode Island 1899 (*Encycl. of Amer. Govt.*, vol. iii, p. 64).

<sup>4</sup> Total gifts for libraries 1892-1902, \$46,136,485, of which Mr. Carnegie gave \$31,075,000 (article, 'Education', *Encycl. of Amer. Govt.*). Other gifts were manual training and other schools to Chicago by R. T. Crane (*Report, Illinois Bureau of Labour Statistics*, 1898-1900, p. 256 f.); numerous ones to New Orleans (Howe, *New Orleans*, in Johns Hopkins University Studies, vol. vii, No. 4, var.); to Fall River (Fenner, *Fall River*, p. 58).

<sup>5</sup> A bacteriological laboratory was established by Buffalo (and perhaps by other cities) (Larned, *Buffalo*, p. 172 f.).

<sup>6</sup> Recommended by Health Officer of Manchester in 1887 (*Report, Board of Health, N. Hampshire*, 1887, p. 115); Boston 1894; N.Y. City 1897 (cf. Wald, 'Medical Inspection', in *Annals*, vol. xxv, Mar. 1905).



growth—after a lull in the '80's—was now becoming in both countries much more rapid than the corresponding growth in population.

§ 20. *Weakness in the taxation system.* The system of assessment and taxation was under criticism during the entire period. This was due partly to the desire for additional revenues, and partly to the revelation of grave defects in the existing conditions. The growth of personal property, of a type very difficult to assess, was already presenting an alarming administrative problem. Grave abuses of under-assessment of this and of real property often took the form of favouritism to large corporations. A growth in the state taxation of corporations was a not unrelated accompaniment.

On the other hand, the experiments in taxation reform usually failed. The growth of business in power, quantity, and complexity; the lowered morale in public service, increased the difficulties at a pace greater than that of the remedies. The personal property tax was the centre of disintegration,<sup>1</sup> and in many cases the result was that only property belonging to the conscientious was taxed. The great difficulty of detection, the unwillingness of local assessors to pry into individual affairs or to force declarations, led to a wellnigh universal practice of tacit evasion. Instances occurred of the abolition of the mortgage tax, to prevent double taxation.<sup>2</sup>

In 1885 Pennsylvania had effected a fairly complete

<sup>1</sup> For New York, cf. *Senate Doc. No. 80*, 1891, p. 74; Ohio, cf. Orth, *Centralization in Ohio*, sec. c.; Bogart, *Financial History of Ohio*, var. Ibid. pp. 240 ff., gives a good history of the 'Tax Inquisitor Law', under which Ohio made perhaps the most thorough attempt to assess and collect the personal property tax. Its success was only partial. For Illinois, cf. Fairlie, *Taxation System of Illinois*, pp. 8, etc.; Iowa, cf. Brindley, *Taxation in Iowa*, vol. ii, pp. 182, etc.; Connecticut, cf. *Report, Commission on Taxation, Connecticut*, 1887, pp. 27, etc.; Baltimore, cf. *Report, Tax Commission, Baltimore*, 1886, pp. 17, etc.

<sup>2</sup> e.g. Massachusetts 1881 (Whitten, *Administration in Massachusetts*, p. 108); Michigan 1897 (Utley and Cutcheon, *Michigan as a Province*, pp. 232 ff.).

separation of local and state revenues, thus indicating one way of solving the problem of competitive local under-assessment to escape part of the state tax. The state relinquished first the real estate tax, then the tax on horses and cattle; but deprived the localities of the privilege of taxing such personalty as the state chose to retain as its own province.<sup>1</sup>

A solution of the problem of taxation of the public service corporations was offered by the Virginia law of 1881. Assessments were made by the state, largely on the basis of returns furnished by the corporations. Levying was in the hands of the local authorities. In practice this became virtually equivalent to a net earning tax.<sup>2</sup>

§ 21. *Methods of taxation.* The general property tax began to present occasional interesting modifications, which differentiated it still more from the British system. Curiously the commercial spirit of the age and the single-tax doctrine of the anti-monopolists brought somewhat similar results. The former (the more frequent) expressed itself in exemption for a term of years of all new manufacturing plants.<sup>3</sup> The agitation of the latter group won only rare concessions in the form of taxing land at a higher rate than improvements.<sup>4</sup> On the whole, the centre of discussion of the property tax shifted from the attempt to impose more than a nominal tax on personal

<sup>1</sup> Cf. Newcomber, *Separation of State and Local Revenues*, p. 44, etc.

<sup>2</sup> Sydenstricker, *Taxation in Virginia*, p. 39.

<sup>3</sup> e.g. Baltimore 1880 (Hollander, *Financial History of Baltimore*, p. 265); Louisville 1898, exemption for five years (by ordinance) (*Report, Kentucky Bureau of Agric., Labour, and Statistics*, 1902-3, p. 309); Alabama 1897, cotton mills exempt for a term of years (Brown, *Alabama*, p. 323). The tacit under-assessment of commercial premises was similar. Cf. Sparling, *Chicago*, p. 109 f. Rhode Island (1892) permitted town electors to exempt manufacturing establishments for ten years. The adoption of this by East Providence caused the transfer of some plants from Providence (Stokes, *Providence*, p. 265).

<sup>4</sup> Cf. Young, *The Single Tax* (various). Savannah till 1891 had not been allowed to tax ground rent lots, though it had fought for the privilege (Gamble, *Savannah*, p. 473).

property to the question of the tax on the utilities. These latter had not scrupled to use their power of *entente*, obtained when securing franchise rights, for the further purpose of under-assessment.<sup>1</sup>

There was also an attempt to develop other sources of revenue. Especially was this true in the case of cities pressing upon tax limitations. The special assessment was employed to an extent not heretofore paralleled in either country. More substantial use was made of the licence system, particularly with regard to saloons (public houses).<sup>2</sup>

§ 22. *Debt and expenditure as a mirror of functions.* The expenditure of cities furnishes perhaps the best mirror of the extent and character of functional growth. The outstanding loans which were \$724,000,000 (\$14.48 per capita) in 1880, were only \$781,000,000 (\$12.40 per capita) in 1890; which fact revealed the relative inactivity of the cities and the successful operation of the financial checks devised following the crisis of 1872-3.<sup>3</sup>

In 1898 the municipal levy of Cleveland was \$12.50 or the lowest in its history. On the other hand, its levies for schools (\$8.40) and parks (\$1.10) were the highest, and its library levy (\$.45) next to the highest.<sup>4</sup> A study of the per capita expenses 1870-1900 revealed a declining

<sup>1</sup> Cf. p. 261 f.

<sup>2</sup> Cf. Ely, *Taxation in American States and Cities*, for a comprehensive study till 1888.

Licences were widely used in the South for various types of business (ibid. p. 204). Norfolk in 1894 had an income tax of \$1.70 on each \$100 over \$600 (*Charters (and Ordinances) Norfolk*, 1894). Between 1880 and 1890, Chicago increased its receipts from licences from \$242,774 to \$3,072,729; and from special assessments from \$1,092,759 to \$4,893,435. There was a subsequent decline in the latter (Merriam, *Revenues of Chicago*, pp. 19, 23). Cf. also Sparling, *Chicago*, pp. 74 ff.

<sup>3</sup> *Encycl. of Amer. Govt.*, vol. i, p. 556 f. Cf. also *supra*, pp. 65 ff. e.g. Boston 1874-94: Population increase 46 per cent., Expenditure 36 per cent., Debt 31 per cent. (Mathews, *Boston*, p. 30); Richmond, Nashville, '90's (Clow, *City Finances*, p. 25).

<sup>4</sup> *Annual Report, Cleveland*, 1898, p. xv.

cost of 'general government' due to retrenchment; a slow rise in the cost of the protective services, with increasing population; rises in the cost of health and sanitation, with introduction of street cleaning (1878), and sewerage construction. The cost of street lighting was static, but street paving became more expensive. Charities and corrections were stationary. There was a growth in the cost of parks and schools—the latter from \$.50 to \$.25 (1910). The interest charges declined after 1880.<sup>1</sup>

By 1890 the expenditure for the cities of New York was as follows: Interest, \$10,822,000 (19 per cent.); Education, \$8,720,000 (15.5 per cent.); Police, \$6,788,000 (11.9 per cent.); Fire, \$3,445,000 (6 per cent.); Charities and Corrections, \$3,445,000 (6 per cent.); Water, \$2,376,000 (4.2 per cent.); Repairs, including streets, \$2,098,000 (3.7 per cent.); Street Cleaning, \$2,022,000 (3.6 per cent.); Street Lighting, \$1,891,000 (3.4 per cent.); Courts (including New York County, etc.), \$1,542,000 (2.7 per cent.); Parks, \$1,419,000 (2.5 per cent.); Health and Hospitals, \$688,000 (1.2 per cent.); Docks, \$292,000; Excise, \$174,000; Elections, \$161,000; Markets, \$81,000; Miscellaneous, including printing, salaries, building maintenance, etc., \$4,466,000. Total, \$57,258,000.<sup>2</sup>

Using a somewhat different classification, the expenditures in 1902 of all American cities over 25,000 were as follows: Outlays, \$129,955,000 (28 per cent.); Education, \$79,656,000 (17 per cent.); Interest, \$42,769,000 (9 per cent.); Police, \$39,325,000 (8 per cent.); Fire, \$27,395,000 (6 per cent.); Highways, \$20,477,000 (4 per cent.); Industries, \$20,174,000 (4 per cent.); Street Lighting, \$15,106,000 (3 per cent.); Parks and

<sup>1</sup> Orth, *Cleveland*, pp. 258, etc.

<sup>2</sup> N.Y. *Senate Doc. No. 80*, 1891, pp. 376-407. The totals include all but five small cities. The chief differences in classification between these figures and those in the next paragraph are that the latter do not assign 'outlays' to specific functions, and the former do not seem to include those for which money was borrowed.

Recreation, \$12,280,000 (3 per cent.); Miscellaneous, \$62,832,000 (14 per cent.); or a total of \$468,638,000.<sup>1</sup>

In contrast with the preceding decade, the state and local expenditures in the '90's increased from \$569,253,000 (\$9.00 per capita—approx.) in 1890 to \$1,156,000,000 (\$14.90 per capita) in 1902, while the debts (local only) grew from \$781,000,000 (\$12.40 per capita) to \$1,433,000,000 (\$18.40 per capita). Per capita levies for all local taxation (including other divisions) were as follows: 1870, \$5.87; 1880, \$6.26; 1890, \$7.53; 1902, \$9.22.<sup>2</sup>

Inasmuch as corruption and inefficiency were waning, the great cause must have been the stimulated functional development. The greatest relative percentage of increase took place in public health (from \$3,280,000 to \$9,461,000), parks and recreation (from \$2,963,000 to \$14,625,000). These, however, were relatively minor items in the budget. Expenses for education, police, and fire protection approximately doubled in total amount. Education rose from \$145,583,000 to \$281,219,000; police from \$26,667,000 to \$54,552,000; fire protection from \$16,424,000 to \$38,186,000. Thus the increase seems to have been what would normally be expected from a people of increasing prosperity, who were desirous of better service from their government.<sup>3</sup>

§ 23. *Budgetary reform.* After 1880, the improvement in budgetary procedure continued,<sup>4</sup> with the Eastern cities still leading—though the Middle-West made the

<sup>1</sup> Data in this and the subsequent paragraphs are from *Encycl. of Amer. Govt.*, vol. i, pp. 694, etc.

<sup>2</sup> 'Abstract of Special Bulletins—Health, Debt, and Taxation', U.S. Bureau of the Census, 1913, p. 13.

<sup>3</sup> For Boston, which spent relatively the most money, cf. Mathews, *Boston*, p. 29.

<sup>4</sup> Clow, *City Finances*, gives the best account of the development of the budget by 1900. Cf. Hollander, *Financial History of Baltimore*, for good study of evolution in budget making. Cf. also Castle, *St. Paul*, p. 179. For the six 'checks' on expenditure in Chicago, cf. Sparling, *Chicago*, p. 104.

greatest progress in uniformity. In the larger cities the power of the controller was greatly enhanced;<sup>1</sup> while in all types of cities the mayor continued to gain at the expense of the council.<sup>2</sup> It was inevitable that these two officials—the one supervising the administration; the other, in touch with every payment made by the city—should gradually acquire the task of proposing the comprehensive plans for future expenditure.<sup>3</sup> Even though the cities of greatest complexity might keep the fiction of council budget-making, a closer examination usually disclosed that the actual process was in the hands of men in more intimate touch with city affairs. The council in larger cities was fast being reduced, in spirit if not in letter, to the position of a board of review, a mere check upon the executive<sup>4</sup>—a position which the English system was also according it, though from different reasons.<sup>5</sup>

The budget had assumed the central place in safeguarding expenditure. Its development was more rapid in the cities than in state or nation.<sup>6</sup> This was accompanied by a refinement and strengthening of the clumsy, though well-meant, checks that had continued from

<sup>1</sup> e.g. Indianapolis 1894. Comptroller and mayor make the budget. Council may not increase it. Additions only by two-thirds vote on recommendation of comptroller, who holds disbursements and contracts within appropriation. (Clow, *City Finances*, p. 118, etc., for this and other examples.) In La Crosse the comptroller made the budget, and during eight years only one item was changed by the council (*ibid.* p. 39).

<sup>2</sup> e.g. Buffalo 1891, mayor may reduce or strike out any items (Larned, *Buffalo*, pp. 195 ff.).

<sup>3</sup> Clow, *City Finances*, p. 40, says the mayor gains in smaller cities, the comptroller in larger cities.

<sup>4</sup> e.g. Dayton 1892, Cincinnati 1898—control given to 'Board of City Affairs'. Council may only reduce. Worcester 1892 took away from the council the power to increase items. New York City 1896—council may reduce items, but three-fourths vote required to pass over mayor's reductions (Clow, pp. 42, 111, etc.).

<sup>5</sup> Cf. p. 381.

<sup>6</sup> Clow, pp. 23 ff.

earlier times.<sup>1</sup> The checks became less arbitrary and more business-like. Not the least important was the operation of a more alert public opinion which, insisting upon more publicity, was slowly effecting a better return for the money, as well as a more honest administration.<sup>2</sup>

§ 24. *Administrative autonomy.* A survey of functions reveals that the achievements by 1900 were considerable. Moreover, they took place under the traditional condition of local administrative autonomy.

The tendency to explore and extend the character of a given function came about in America, as in England, through voluntary experiment, or through efforts on the part of the more advanced city. Permission from the state legislature for such a function was usually secured without difficulty.<sup>3</sup> On the other hand, there seemed less disposition than in England to make a given function mandatory for all parts of the state; for the legislature was usually content to allow local public opinion to take its course.<sup>4</sup> Even mandatory Acts were laxly enforced—for there was always a preference for local initiative.<sup>5</sup> The state was usually able to count upon a keen municipal

<sup>1</sup> Cleveland complained that its tax limit had undermined reliance on budget control (Williamson, *Finance of Cleveland*). Little Rock was probably the most backward, the state tax limit being the only budget, and appropriations being made month by month (Clow, p. 27).

<sup>2</sup> Denver, 1893, added a 'Department of Supplies', with a superintendent (King, *Denver*, pp. 182, etc.) Concord, N.H., added an auditor as late as 1896 (Lyford, *Concord*, vol. i, p. 591). For McKisson's record in Cleveland budget-making, cf. *Annual Reports, Cleveland*, 1898.

<sup>3</sup> In all the sources examined for this study, the author has found scarcely an instance (save in municipal trading) where powers were denied by the state legislatures. Such instances as existed were largely due to 'unconstitutionality'.

<sup>4</sup> Some states made local boards of health mandatory, e.g. Mass. 1895 (Peabody, *Public Health in N.Y. and Mass.*, pp. 51, 125); N. Jersey 1880 (*Report, N. Jersey Board of Health*, 1897, p. 251); Ohio 1886-8 (Orth, *Centralization in Ohio*, p. 133).

<sup>5</sup> This was usually due to the absence of powers in the central administrative departments to force action by the locality, e.g. Mass. in 1888 made it the duty of every local board of fire engineers to investigate the cause of every fire. This was not efficiently enforced

rivalry. This often took the form of a desire to have all that was new and good in the way of functions<sup>1</sup>—however careless or corrupt might have been their administration.

Administrative relations of city and state furnish a pleasing contrast to the interference of the legislatures.<sup>2</sup> It is not putting it too strongly to say that the dominant ideal from the days of the first state boards in the years 1850-1880 down to their great modern development has been *co-operation*. There has been failure where there has been too great an attempt on the part of the central authority to dictate. A certain number of examples of ineffectiveness exist, some due to failure of local co-operation, but more due to a lack of vision of the state executive.<sup>3</sup> Yet their history is mainly a creditable one.

§ 25. *The Federal Bureau of Education.* The Bureau of Education of the Federal Government was formed under an Act of 1867. Its formation followed a request for a board of this nature 'to collect statistics and facts showing

till the appointment of a state fire-marshal in 1894 (Whitten, *Administration in Mass.*, p. 94). Cf. also Ohio compulsory education law 1877, in Orth, *Centralization in Ohio*, pp. 53, 74; and Rhode Island 1886 (Providence) (Field, *Rhode Island*, vol. iii, p. 277).

<sup>1</sup> e.g. Vigorous action followed the revelation of 1880 census of great illiteracy in Rhode Island (Stokes, *Providence*, p. 336).

<sup>2</sup> A number of excellent studies of administrative centralization in certain states have been made. However, these tend to give an exaggerated impression of the importance of this movement. Examination of the reports of the state boards and of the histories of the cities usually reveals that the minimums established have in practice little significance for the cities. Furthermore the studies have naturally been largely confined to the very few states that have a certain amount of centralization. Most of them were carried on by Columbia University. Cf. Rawles, *Centralizing Tendencies in Indiana*; Fairlie, *Centralization in N.Y. State*; Whitten, *Administration in Mass.*; Orth, *Centralization in Ohio*; Bowman, *Administration of Iowa*; Peabody, *Legislation re Public Health, N.Y. and Mass.*; Butts, *Administration in Miss.*

(N.B.—The term 'board' is used as generic. Often the state official was a 'commissioner'.)

<sup>3</sup> e.g. Connecticut Board of Health. Cf. *Annual Reports*, 1886, 1895. Iowa State Board of Health (1880-1890) was largely occupied with collection of vital statistics (Bowman, *Administration of Iowa*, p. 136).



the condition and progress of education in the several states and territories, and to diffuse such information respecting the organization and management of school systems and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country'. That its usefulness has grown greatly during subsequent history is well attested. It has been a true intelligence centre for American education.<sup>1</sup>

§ 26. *State boards of health.* The first state board of health was organized in Massachusetts in 1869. The lead was quickly followed elsewhere,<sup>2</sup> so that by 1875 there were ten states, and by 1880, nineteen states with such boards. By 1890, the number had reached thirty-three and by 1900, forty.<sup>3</sup> Many of these earlier ones were in the South, where local government was weak and state action customary.<sup>4</sup> These boards soon established a tradition of being almost purely advisory in character, though here and there were instances of actual powers of supervision. Even this authority usually took the form of powers of supplementary action; rather than of actual control over the local boards.<sup>5</sup> Any such control was a distinctly unforeseen development, and the original purpose of these boards was quite otherwise.<sup>6</sup>

<sup>1</sup> Cf. Dexter, *History of Education*, var. ; also article, 'Education', in *Encycl. of Amer. Govt.*

<sup>2</sup> e.g. by California 1870 (*Annual Report, Board of Health, Calif.*, 1870-1, p. 21). Cf. also *Report* 1878-9, pp. 94 ff.

<sup>3</sup> Bowditch, *Hygiene in America*, Appen. Ans. to Ques. 3 ; *Encycl. of Amer. Govt.*, vol. ii, p. 119.

<sup>4</sup> Those of Louisiana, Alabama, and Georgia seem to have been largely for port cities.

<sup>5</sup> e.g. Mississippi 1877, no powers over local boards, but powers of independent action, cf. Butts, *Administration in Mississippi*, p. 222 ; Pennsylvania 1885 (*Report, Penn. Board of Health*, 1885, p. 13). Further powers were added subsequently (Peabody, *Legislation re Public Health*, pp. 119, 121).

<sup>6</sup> For Massachusetts, cf. Whitten, *Administration in Mass.*, p. 68 ; Bowditch, *Hygiene in America*, pp. 60, etc.

The state legislatures had begun to feel the need of some authority competent to advise them upon health legislation. The value to the localities of such an information centre was also apparent. The state boards were accordingly constituted (perhaps at the instance of the state medical association)<sup>1</sup> and so proved their value that other states took similar action. Yet the boards were for the most part small, and usually served without pay. In 1876 only one board had an appropriation above \$2,000.<sup>2</sup> Their chief significance lay in the fact that they established the tradition of local self-government in health matters.

§ 27. *The character of the central boards.* Very early, especially in education, the need was felt by the states of some centre of intelligence to guide the law-makers in their efforts, and to stimulate and advise the local authorities. The advantage of such an arrangement needs no more elaboration than is furnished by the story of the boards themselves. The decade of the '70's was remarkable for the extension of their usefulness in education, health, charities, and even finance.<sup>3</sup>

Casual inspections were usually necessary, but the methods of attaining the desired ends can best be shown by a series of illustrations. For example, the California Board of Health met with such a response from local authorities, that it adopted the policy of not pressing the provisions of the state law requiring the formation of

<sup>1</sup> e.g. Indiana 1881, cf. p. 95. Alabama 1875, S. Carolina 1878 constituted their State Medical Associations as their State Boards of Health, and (in Alabama) the local associations as local boards. In S. Carolina the Board acted through an executive committee of seven recommended by the Association and appointed by the Governor.

<sup>2</sup> *Encycl. of Amer. Govt.*, vol. ii, p. 119. Cf. p. 75 *supra*, footnote 2.

<sup>3</sup> Seven State Boards of Charities prior to 1871 (Illinois, *Report, Board of Public Charities*, 1869-70). Ohio in 1876 extended to its state auditor power to examine county treasuries upon complaint of county commissioners, or auditor. In practice this was very valuable and frequently made use of (Orth, *Centralization in Ohio*, p. 102).

local boards where none existed. It merely urged their formation—a policy justified by its results.<sup>1</sup> The Massachusetts Board of Health secured the initial good feeling of local boards by calling for their suggestions as to personnel of the inspectors. Thus, when compulsory laws were enacted, good feeling usually attended their enforcement.<sup>2</sup> Furthermore this co-operative spirit was used to stimulate action by playing upon the emulative instinct always strong in American cities. Minnesota and Indiana education authorities set 'standards' which the local boards were successively urged to attain. Thus by 1871 it may be noted that a majority of the local boards of Indiana had voluntarily accepted the state standards in the matter of qualification of teachers.<sup>3</sup> The Indiana State Board of Education was a unique example of representation of the localities. At its formation in 1865 it included the Governor, the State Superintendent of Public Instruction, the Presidents of the State University and of the State Normal School, and the Superintendents of Schools of the largest three cities. In 1899 representatives of the rural district schools and of the non-state colleges were added.<sup>4</sup> Propaganda was another very effective weapon of the state boards, but did not do the work of personal contact.<sup>5</sup>

<sup>1</sup> *Report, California Board of Health*, 1878-9, pp. 94 ff.

<sup>2</sup> Bowditch, *Hygiene in America*, p. 58.

<sup>3</sup> Rawles, *Centralizing Tendencies in Indiana*, p. 9. Similarly in the '90's almost all local authorities voluntarily adopted the uniform course of study suggested by the State Board of Education (*ibid.* p. 96).

<sup>4</sup> *Ibid.* p. 79 f.

<sup>5</sup> In addition to those mentioned elsewhere, cf. *Minnesota Board of Health Report*, 1891-2, pp. 151, etc.; *Connecticut Board of Education Report*, 1870, p. 12, which points out how compulsory education was enforced by the State Board securing voluntary co-operation of employers, in not hiring any child under fourteen who was not in school. For S. Carolina Board of Health's success in organizing voluntary local boards, cf. *Report, S. Carolina Board of Health*, 1879-80, pp. 397, etc. Cf. 'Mass. Board of Education', in Whitten, *Administration in Mass.*, pp. 25 ff. Cf. *New Jersey Board of Health Report*, 1897, pp. 25 ff.

A notable achievement in the difficult field of institutional charities and corrections, was that of F. H. Wines, as secretary of the Illinois Board of Public Charities. 'The relation of the central board of supervision to the local boards of administration is . . . clear. The local trustees are charged with all executive functions and responsibility. . . . The creation of the Board of Charities does not take from them a single attribute of authority nor relieve them from a single obligation. On the contrary it is designed to increase their sense of responsibility by making it apparent that no mismanagement arising from neglect, and much more no wilful perversion of facts can pass unnoticed, or fail to be brought to the attention of the General Assembly. The duties of the Board of Charities are simply those of independent investigation, criticism and statement, unbiassed by any interests growing out of local connexions and relations. . . .

'Upon the occasion of one of these annual visits, some one or more of the county officers accompanies. On returning a conversation ensues in which the system and methods of county relief and its administration in different counties, the state institutions and their management and the general subject of *misfortune* in its private and public relations are freely discussed. When the next official visit is paid the influence of each inspection is commonly very apparent.'<sup>1</sup>

An instance of combined voluntary, local, and state action is revealed in the development of the Indiana State Board of Health, which dated from 1881. Prior to its formation there had been a complete voluntary organization of the state and local Medical Associations which had made a state-wide demonstration of the power of organized health work. Their work forced action by the state legislature. The State Board of Health in its

<sup>1</sup> *Report, Illinois Board of Public Charities, 1870-72, p. 218.*

advisory capacity proved a great stimulus to the local authorities.<sup>1</sup>

Another remarkable achievement was the sanitary survey conducted by the State Board of Health of Illinois in 1885-6. The local boards were used as willing co-operative agents in a house-to-house survey. In 1885, 224,360 inspections were made; 11,300,000 items were covered. Ninety-six of the 102 counties, including 328 cities, towns, and villages reported. By the end of the year 441,593 defective conditions were reported remedied. The press co-operated and some cities reported that all nuisances listed were abated—and all this without bringing a single suit or even a single written notice. 'The people have responded to every effort of the State Board with a unanimity, intelligence and promptness without which the results would have been impossible—without a foreknowledge of the existence of which it is doubtful if the effort would have been attempted.'<sup>2</sup> The work continued the following year with 113,162 new and 164,285 re-inspections, the latter of which reported the abatement of 93 per cent. of the nuisances reported the previous year. This house-to-house canvass was followed by general surveys of several communities with regard to special problems such as local laws, cemeteries, food supply, garbage disposal, water, drainage, police, fire, registration, etc. The accomplishments of the survey furnish a tribute to the efficacy of the voluntary method under enlightened leadership, where the people are intelligent and have not been antagonized by officious compulsion.<sup>3</sup>

§ 28. *Early instances of compulsion.* Some instances of centralized compulsion have already been noted.<sup>4</sup> It is true that boards, originally of an advisory character,

<sup>1</sup> Rawles, *Centralizing Tendencies in Indiana*, p. 217 f.

<sup>2</sup> *Report, Illinois Board of Health*, 1885, p. 282.

<sup>3</sup> Cf. *ibid.* 1885, p. 282, etc.; 1886, p. 3, etc.

<sup>4</sup> p. 19.

tended to gather about them certain mandatory powers, and the boards of health of Pennsylvania (1885) and Ohio (1886) started with a considerable degree of authority.<sup>1</sup> These powers seem to have been administered most successfully where the board concerned had first won co-operation in an advisory capacity.<sup>2</sup> The few attempts at tactless centralized authority, such as were exercised by the Georgia State Board of Health in 1874-7, were quickly resented, and in the case mentioned cost the Board its existence.<sup>3</sup> They seem to have set back the very cause they were designed to promote.<sup>4</sup>

<sup>1</sup> For Indiana Board of State Charities, 1889, cf. Rawles, *Centralizing Tendencies in Indiana*, pp. 182, etc. For Massachusetts Board of Health, cf. Whitten, *Administration in Mass.*, pp. 68, etc. For the success of the Ohio Board of Charities, cf. Orth, *Centralization in Ohio*, pp. 117, 121. The Board was responsible for abolition of the old system of outdoor relief. For additions to powers of New York Board of Health, cf. Peabody, *Legislation Regarding Public Health*, pp. 30, 72, etc. Butts, *Administration in Mississippi*, p. 38. Notably New York State Schools, cf. Fairlie, *Centralization in New York*, pp. 32, etc. In Arkansas, 1888, the Board of Health was only advisory, but the governor was given wide powers (*Arkansas Health Report*, 1888, p. 7). The Vermont Board of Health, 1886, though advisory in other respects, appointed the local health officer who sat on the local board of health (*Report, Vermont Board of Health*, 1894, p. 5). New York State cities were (1884) required to appoint local civil service commissions whose rules, etc., were subject to approval by the State Commission (*Proc. Conf. Good City Govt.*, 1897, p. 58). Similarly Illinois, 1894.

<sup>2</sup> Cf. *supra*, p. 29.

<sup>3</sup> Cf. Bowditch, *Hygiene in America*, p. 323; *Report, Georgia Board of Health*, 1874-5, p. 14. Gamble, *Savannah*, p. 358, says: 'Experience was not such as to commend the scheme to Savannah's Health Officers, who have opposed state interference with Savannah's control of its own health affairs.' Yet its actual mandatory powers chiefly concerned vital statistics. An attempt to form a State Board in 1893 was defeated, due to failure of this earlier Board—'burdensome and full of iniquities'.

<sup>4</sup> Similarly Missouri, 1867, attempted centralization in education, but was forced in 1874 to introduce a system that left much more to the localities (Violette, *Missouri*, p. 455). The National Board of Health was organized at the continued request of Southern cities to advise *re* control of yellow fever, etc. Soon after its organization it was given powers of control which were promptly resented by New Orleans, Mobile, Savannah, etc. This opposition weakened the Board and finally cost it its existence in 1893, when its functions were

The public utility was responsible for another problem of demarcation between state and local functions. In 1885-7 in Massachusetts the control of gas and electric rates, etc., was made the province of a state commission.<sup>1</sup> This proved the forerunner of a long series of similar statutes, often corrupt or partisan.<sup>2</sup> The same state, taking cognizance of the great number of incendiary fires under the impotent functioning of the local police of Boston, carried its centralizing tendencies still farther (1886) by the introduction of a state fire marshal for the city. He was to be appointed by the governor, and was given the duty of investigating suspicious fires.<sup>3</sup>

§ 29. *Local self-government in the South.* This problem of demarcation of state and local functions was especially significant in the South. There the feeling for local self-government had always been much less strong than in the North, and in Louisiana the Latin tradition of centralization was a further factor. The desire to insure the localities against negro rule had in certain instances also been influential in strengthening the state at the expense of the locality.<sup>4</sup> Thus the Louisiana Board of Education had prescribed school terms, details of teachers' conduct, discipline, admission, etc., to the last detail.<sup>5</sup> After

assumed by the Marine Hospital Service. This was more successful, due to its bearing the expense of administration. (Cf. *Report, Alabama Board of Health*, 1883-4, pp. 41 ff.; *History, Louisiana Board of Health*, p. 17; Gamble, *Savannah*, pp. 307, 354, 358, 364; Peabody, *Legislation re Public Health*, p. 131 f.; *Encycl. of Amer. Govt.*, vol. ii, p. 119.)

<sup>1</sup> Cf. Whitten, *Administration in Massachusetts*, pp. 128 ff.

<sup>2</sup> Cf. pp. 261, 311. A flagrant instance was the power granted a State Board of Administration for Cincinnati, to grant a fifty-year street railroad franchise, without the right of interference by the citizens or council (Orth, *Centralization in Ohio*, p. 17).

<sup>3</sup> Whitten, *Administration in Massachusetts*, p. 94.

<sup>4</sup> e.g. N. Carolina schools (Hamilton, *North Carolina*, vol. iii, p. 20 f.).

<sup>5</sup> Cf. *Report, Superintendent of Public Education, Louisiana*, 1884-5, pp. 150 ff. The Mississippi Board of Health (1880) had power to appoint county health officers (Butts, *Administration in Mississippi*, p. 222).

1880, there were signs of a reaction. Mississippi, as early as 1878, had granted to towns of over 1,000 population, the power to have separate school systems.<sup>1</sup> In education there were demands for the privilege of local taxation.<sup>2</sup> Tennessee (1881) and South Carolina (1888) complied, expressly to strengthen local self-government.<sup>3</sup> The growing number of locally chosen boards of health bore witness to the same tendency.<sup>4</sup> The South was in the process of re-adjustment as well as of reconstruction.

§ 30. *The traditions of the central boards.* What then were the characteristics of these central boards and the traditions which they established? First may be put restraint—in considering it unnecessary to exercise all their prerogatives.<sup>5</sup> Secondly, the boards were tactful in their relationships, going almost too far in their respect for the position of the local officials. Thirdly, there was

<sup>1</sup> Dexter, *History of Education*, p. 136. These schools were of low vitality (Butts, *Administration in Mississippi*, p. 62).

<sup>2</sup> Houston took over the schools in 1877 (Carroll, *Houston*, pp. 173 ff.). This was an issue in Dallas, San Antonio, and Charleston (S.C.) (Lindsley, *Dallas*, vol. i, chs. v, vi, var.; *History of San Antonio*, p. 77 f.). A general Act was passed in 1879 granting such exclusive control to any city desiring it (*Report, Texas Superintendent of Public Instruction*, 1891-2, p. xxvi). On the other hand, Savannah schools were removed from local support in 1881 (Gamble, *Savannah*, p. 286).

<sup>3</sup> Cf. Dexter, *History of Education*, p. 136; for Memphis, cf. Young, *Memphis*, p. 410; Bemis, *Local Govt. in the South and South West*, p. 49. A similar law (1869) in N. Carolina was declared unconstitutional in 1870, thus handicapping the schools (Hamilton, *N. Carolina*, vol. iii, p. 354). For Florida (later), cf. *Florida School Report*, 1893-4, pp. 12 f., 54. Permission for such local taxation was recommended in Alabama (*Report, Superintendent of Public Instruction*, 1895-6, p. 25).

<sup>4</sup> e.g. S. Carolina 1883 (Peabody, *Legislation re Public Health*, p. 125).

<sup>5</sup> In addition to examples given previously, cf. *Texas Health Officer's Report*, 1893-4; Indiana State Board of Health, which gave much wider powers to local boards (Rawles, *Centralizing Tendencies in Indiana*, p. 223 f.); Maryland Board of Education, having been given quasi-legislative powers in 1874, did not use them but continued advisory voluntarily (*Report, Maryland Board of Education*, 1885, p. 11).



a genuine devotion to their work.<sup>1</sup> In the fourth place, they were sensitive, almost to a fault, to the local point of view.<sup>2</sup> Finally, they endeavoured to 'know whereof they spake', so that their advice might carry weight.<sup>3</sup> The tradition of these characteristics has been well upheld by subsequent boards, and has been a major factor in their increasingly substantial usefulness.

This traditional advisory character was a marked contrast to the element of compulsion usually present in British central departments. Hence a comparison of the subsequent characteristics of the boards of the two countries must be of significance with regard to the relative wisdom of the two policies.<sup>4</sup>

§ 31. *Centralization after 1890.* There is little question that after 1890, in some cases, administrative centralization in America showed signs of breaking with its old tradition of being largely advisory in character.<sup>5</sup> There

<sup>1</sup> One cannot fail to realize this after a study of numerous reports.

<sup>2</sup> e.g. U.S. Marine Hospital service in 1893 called together the health officials of the principal ports in order to hear their recommendations *re* rules. Power was vested in the service (Gamble, *Savannah*, p. 358). Cf. also success of the advisory Ohio Board of Charities (Orth, *Centralization in Ohio*, p. 116).

<sup>3</sup> Cf. p. 566. For Massachusetts Board of Health, cf. Bowditch, *Hygiene in America*, p. 32; Minnesota, *ibid.* p. 65 (sanitary survey). For sanitary survey of Chicago by Illinois Board of Health, cf. *Report, Illinois Board of Health*, 1879, pp. 94 ff. For New Hampshire Board of Health, survey of schools, cf. *Report, New Hampshire Board of Health*, 1887, pp. 99 ff.

<sup>4</sup> Cf. pp. 565-572.

<sup>5</sup> Cf. particularly Fairlie, *Centralization in New York*, pp. 32, 42 f.; Rawles, *Centralizing Tendencies in Indiana*, pp. 328, etc. Chicago 1894, New Orleans 1896, needed state approval of civil service rules. Wyoming 1899 (*Revis. Statutes*, 1899, ch. 9) established a state examiner, with wide auditing powers over local accounts. Sentiment generally was divided. A New York State Commission (1895) recommended a 'Municipal Government Board'; whereas Governor Russell (ex-mayor of Cambridge) of Massachusetts, continually agitated (1893) against state usurpation of municipal functions (Hennessey, *Twenty-five Years of Massachusetts Politics*, p. 37). For Denver, cf. King, *Denver*, p. 112. In Ohio 1893, there were extensions in the powers of both the local and state Boards of Health. The State Board might alter any local regulation and take complete

seemed to be a type of case in which there existed an inherent clash of interests either between two communities or between a community and the state. In instances of the former type the state began more frequently to appear as an arbiter.<sup>1</sup> Thus, as in England, it occasionally became necessary to regulate the water supply for a congested area.<sup>2</sup> State supervision of the process of assessment (which was subject to competitive under-valuation) was considerably strengthened,<sup>3</sup> generally through a substitution of a State Tax Commission in place of the old Boards of Equalization.

Still centralization continued comparatively tardy and weak in administration.<sup>4</sup> Usually either full scope was left for voluntary compliance with central suggestions, or local pride went much beyond a prescribed and meagre

charge of local affairs in case of emergency. It might inflict severe penalties upon local officials disregarding its authority. Its approval was required for all new water or sewage systems. On the other hand the local boards may require investigations by the State Board of local water, sewage, plumbing, etc. (Orth, *Centralization in Ohio*, pp. 133 ff.).

<sup>1</sup> e.g. State Harbour Board created to reconcile differences of cities on San Francisco Bay ('Report of Harbour Commissioners', in Appendix to *Journal of Thirtieth Legislative Session, California*, vol. 7, p. 23). In 1891 the Texas governor was made arbiter in cases of dispute between county and city boards of health (*Report, Texas Health Officer*, 1891-2, p. 7 f.).

<sup>2</sup> A factor in strengthening the Massachusetts Board of Health in 1886 (Whitten, *Administration in Massachusetts*, p. 68); also, New York, 1885 (Peabody, *Legislation re Public Health*, p. 72). Cf. also p. 498, for metropolitan problems.

<sup>3</sup> Cf. Lutz, *State Tax Commission*, for detailed account; also Fairlie, *Taxation System of Illinois*, pp. 62 ff.; Rawles, *Centralizing Tendencies in Indiana*, pp. 266 ff., 273, etc. Other re-organizations which attempted greater stringency were New York 1896, 1899; Michigan 1899; Wisconsin, 1899, etc. (Fairlie, p. 2).

<sup>4</sup> e.g. Ohio, Compulsory Education Act, 1893. The State Superintendent must issue 'regulations and suggestions', which the local boards were not required to follow (Orth, *Centralization in Ohio*, p. 49). In California in 1899 there was no city-state connection—not even enough for the California Secretary of State to furnish information as to whether certain cities existed at all as municipal authorities (*California Municipalities*, vol. i, 1897, p. 4).

minimum. Even with the concessions extended to local self-government in this decade, English cities were still relatively hampered by maximums or forced by minimums in functions in which central and local welfare normally should coincide; while such apparent instances, at least of an enforced minimum, in the United States were usually directed not at the cities, but at the more backward of the rural districts.<sup>1</sup> Legislative interference was another matter.

The greatest degree of centralization was in charities and corrections.<sup>2</sup> Partly this was because these were not conducive to local pride; and partly because of the manifest superiority of the state in matters such as differentiation, classification, and treatments of groups, such as the insane and juveniles.

§ 32. *The role of central grants.* Only in education did finance play any considerable part in the relations between the central and the local boards.<sup>3</sup> Here the problem was concerned largely with the amount and method of distribution of state aid. When the localities were feeling

<sup>1</sup> e.g. Massachusetts schools, 'to universalize existing' (Whitten, *Administration in Massachusetts*, pp. 34, etc.). In California, cities were exempted from the 'state uniformity' of school laws (*Report, Superintendent of Public Instruction, Calif.*, 1872-3, p. 14). Baltimore 1892 was extended home rule in school matters (Donaldson, *Administration in Maryland*, p. 21); compulsory library laws similarly, New Hampshire 1893, New Jersey about 1892 (Dexter, *Hist. of Educ.*, p. 485; Lee, *New Jersey*, vol. iv, p. 188).

<sup>2</sup> For 'History of State Boards', by F. H. Wines, cf. *Report, New Jersey State Charities Aid Association*, 1903; cf. also Rawles, *Centralizing Tendencies in Indiana*, p. 328 f.; Whitten, *Administration in Massachusetts*, pp. 51, etc. The advisory Board of Charities of Indiana had little effect on county jail conditions (Rawles, p. 183). For deplorable and usually unremedied conditions under local administration, cf. *N.Y. Assembly Doc. No. 57*, 1880, v. 3; *New Jersey Bureau of Statistics of Labour and Industries Report*, 1882-3, p. 385; Sackett, *Modern Battles of Trenton* (1898), p. 89; *N.Y. Senate Doc. No. 80*, 1891, p. 111; Bogart, *Financial History of Ohio*, p. 98.

<sup>3</sup> An exception was the Metropolitan Park System of the Boston District, where the state bore half the cost (Zueblin, *Municipal Progress*, p. 286).

the burden of a depression, there often followed, on the part of the weaker ones, an appeal for a greater amount of state aid. This was usually granted.<sup>1</sup> The only definite principles<sup>2</sup> of state grants were to introduce a minimum of supervision (largely for the rural districts) and to secure more equal advantages. Population, school population, average attendance, length of term, all had advocates as bases of distribution.

Toward the end of the period civic pride became a factor. This was an accompaniment of prosperity and local autonomy. Municipal rivalry became intense and boastful—yet not to be judged too harshly when it expressed itself in the form of local taxation for schools, parks, public works, or health.<sup>3</sup> More and more the

<sup>1</sup> e.g. New Jersey 1871 (*Report, New Jersey Commissioner of Education*, 1872, p. 12); Pennsylvania 1873, a constitutional minimum annual grant of \$1,000,000 (*Report, Dept. of Public Instruction, Penn.*, 1870, p. vii).

<sup>2</sup> In California 1873, 31 per cent. of districts held schools less than six months; in 1875, only 2 per cent. The change was due to a new basis of apportionment of the state grant, whereby each district was given a minimum of \$500 (*Report, Calif. Supt. of Public Instruction*, 1874-5, p. 22). In Kentucky 1880, city schools had an average term of 220 days; rural, only 102 days (*School Report, Kentucky*, 1880-1, p. 193). For Illinois 1872, cf. *Report III, Supt. of Public Instruction*, 1871-2, p. 18. Texas had the most extensive grants, due to the extent of its public lands. Yet cities often voted to supplement them (*Report, Texas Supt. of Public Instruction*, 1889-90, p. xvi f.).

<sup>3</sup> e.g. Boston 1895, boasted of the highest salaries for school teachers in the world (Mathews, *Boston*, p. 67). For Newark, cf. Urquhart, *Newark*, p. 829. For local popular support of health efforts, cf. *Report Calif. Board of Health*, 1890-2, p. 32. The *Illinois Bureau of Labour Statistics Report*, 1898-1900, p. 274, quotes the 1898 *Report of the Rhode Island Board of Education*, which was urging the latter state to emulate Massachusetts in technical and other education. The object of the quotation was to stimulate Illinois to similar rivalry. In Massachusetts 1890, a Special Library Commission was appointed, which in its first report merely published the names of towns that had no libraries. By 1891 thirty-six of these had established libraries, and by 1900 all but four or five (less than  $\frac{1}{2}$  per cent. of the population) (Dexter, *History of Education*, p. 485). Of the opposite nature was the rivalry which led to extensive padding of census returns in 1890 by Omaha, St. Joseph, etc.

state grants were used to equalize the cost or the opportunity of education, rather than to stimulate the desire for it.<sup>1</sup>

Massachusetts made its first attempt to aid the poorer localities in 1866 by assigning a minimum of \$15 to each district, and distributing the balance, in proportion to the number of children of school age, to those districts which complied with conditions concerning number of schools, length of the school year, minimum local tax, and (1878) enforcement of truancy laws. The total amount distributed amounted to only \$70,637.62. In 1874 all towns with a valuation above \$10,000,000 were deprived of their share, and in 1891 those above \$3,000,000. By 1896, 82.2 per cent. of the population were thus dependent entirely upon local resources. The stimulus of finance was unnecessary as the towns were ahead of the meagre minimum.<sup>2</sup>

In states where the grant was distributed to all on the same basis, it was often used as an agent for placating such conservative opinion as might oppose the introduction of some new 'frill'.<sup>3</sup>

The significance of the growth of this local initiative and pride is greater than would first appear, particularly

<sup>1</sup> Cf. footnote 3, below, last item. For Illinois 1855-87, where by far the greater percentage was local, cf. *Report, Illinois Superintendent of Public Instruction, 1889-90*, p. lxxii.

<sup>2</sup> Whitten, *Administration in Massachusetts*, p. 34 f.

<sup>3</sup> e.g. Maine, 1873, an initial subsidy of half the cost of instruction in free high schools (Hatch, *Maine*, p. 755 f.). Minnesota, 1878 gave a block grant of \$400 'for each high school of a certain standard that would admit students from any part of the state'. (Dexter, *History of Education*, p. 115.) Also occasionally used for manual training. (Cf. References in footnote 4 on p. 77.) e.g. Wisconsin 1896 (*Report, Illinois Bureau of Labour Statistics, 1898-1900*, p. 276) Maryland, 1898, aid of \$1,500 to each county and further grant up to \$1,500 according to the number of pupils (ibid. p. 276). New Jersey (1881) doubled any amount a locality might raise for manual training. The effort was so successful in winning popular support that by 1898 many cities conducted this without central aid (See *New Jersey*, vol. 4, p. 296, and *Report III, Illinois Bureau of Labor Statistics, 1898-1900*, p. 274).

in any attempt to form an estimate as to the value of centralization, that was still much more prevalent in the United Kingdom in spite of gains in local freedom. It must be borne in mind that in both countries there was at this time more pressure by the cities on the state for wider powers than by the state on the cities for compliance with a statutory minimum. In England this was notable in health and municipal trading; in America the same held true in almost every function.<sup>1</sup> Parks and public works were always purely voluntary on the part of the American city.<sup>2</sup> Tardy performance of city duties was doubtless all too frequent. However, once local pride was aroused, the retention of the freedom of the city aided in making voluntary additions to service a natural evolution.

§ 33. *Direct state administration.* The actual administration of local affairs by state officials was of quite a different nature. Tradition was in favour of the widest possible interpretation of the local interest, and this has remained to the present day. It was accordingly felt that only extraordinary circumstances could justify such state administration.<sup>3</sup> With regard to specific functions so administered, the lead of New York City (1870) in abolishing the miscellaneous state boards that controlled a large part of the government, was accepted quite generally as indicating their failure.<sup>4</sup> Other cities, including

<sup>1</sup> New Jersey cities in 1897 were reported to be somewhat backward in use of ample health powers (*Report, New Jersey Board of Health*, 1897, p. 261). Similarly, cf. *Report, Tex. Health Officer*, 1897-8.

<sup>2</sup> Cf. footnote 2, p. 80.

<sup>3</sup> e.g. after bankruptcy of Memphis (1879) the entire city government was put into state hands (Young, *Memphis*, p. 188). The administration of the District of Columbia (Washington) by the Federal Government has remained to the present day, justified by the predominant interest of the Federal Government. The original reason for Federal control had been mismanagement and extravagance. (Cf. Porter, *City of Washington*, in *Johns Hopkins University Studies*, vol. iii, Nos. 11, 12; Dodd, *District of Columbia*.)

<sup>4</sup> *Memorial History of the City of New York*, vol. iii, pp. 539, etc.

Jersey City, the worst sufferer, soon followed.<sup>1</sup> There were, however, certain services with regard to which there was as yet no fixed policy. Not all the state police boards surrendered their control; and in the '80's they underwent a curious recrudescence, in part due to efforts to solve the problem of local nullification of liquor or vice laws.<sup>2</sup> Massachusetts retained its state police to supplement local effort.<sup>3</sup> In another field, Baltimore was trying the experiment of state administration of her elections.<sup>4</sup> The metropolitan districts of Boston and Chicago were subjected to state rule in several functions.<sup>5</sup> The case of certain classes of delinquents and dependents seemed slowly to be slipping from local jurisdiction.<sup>6</sup>

<sup>1</sup> e.g. Buffalo (police) 1871 (Larned, *Buffalo*, p. 191); Jersey City, cf. Lee, *New Jersey*, vol. iv, pp. 147, 173; New Orleans, 1877, was given the right to appoint a majority of the Louisiana Board of Health. This was due to the pressure of the commercial interests (*History Louisiana Board of Health*, p. 10). Cleveland (police) 1872 (Orth, *Cleveland*, p. 249 f.). This had previously been defunct, the mayor alone acting. Charleston (S.C.) police, 1882, were put under a local board; but returned to state control in 1896 for one year only (Cantwell, *History of Charleston Police*, p. 19 f.).

<sup>2</sup> Cf. Fairlie, 'Extensions of Municipal Functions', in *Annals*, vol. xxv, March 1905, p. 100, for partial list; also Clow, *City Finance*, p. 10 f. For Indiana cities, cf. Rawles, *Centralizing Tendencies in Indiana*, p. 308 f.; Smith, *Indiana*, p. 275. The pretence was to take police out of party control, 1883, 1889, 1891, etc.—Terre Haute, Indianapolis, South Bend, etc.; Fall River 1894 (Whitten, *Administration in Massachusetts*, p. 97); Omaha 1887 (Wakeley, *Omaha*, p. 120); Concord (N.H.) 1893 (Lyford, *Concord*, vol. 1, p. 569); Birmingham 1893 (Ohlander, *Birmingham Police*, p. 17); Cincinnati, 1886; Denver 1891 (King, *Denver*, p. 129). In Manchester (N.H.), where there were state police, it was the state which refused a local request to enforce the law (Branch, *Removal of Manchester Police Commissioners*). A typical fight by the state against local nullification of vice and gambling laws was by Gov. Waite of Colorado (1891). Cf. King, *Denver*, pp. 215, etc.; Lindsey, *The Beast*, p. 197.

<sup>3</sup> Whitten, *Administration in Massachusetts*, p. 85.

<sup>4</sup> Hall, *Baltimore*, p. 247.

<sup>5</sup> Boston: police, fire, parks (part), water (Whitten, *Administration in Massachusetts*, pp. 157, etc.). Chicago: parks (boards formed prior to 1895), (Sparling, *Chicago*, p. 148 f.); school board (city) appointed by the governor, approved by the council (till 1889) (*ibid.* p. 133).

<sup>6</sup> Cf. p. 463.

In a different connection New York, after a break of three years (1870-3), saw fit to restore to the governor the power of removal of city officials for cause.<sup>1</sup> The action of Pennsylvania in the early '70's in appointing a state commission to build the City Hall of Philadelphia furnished such an example of corruption and violation of home rule, that it seems never to have been imitated elsewhere.<sup>2</sup> Thus in the Colorado Constitution of 1876 the legislature was forbidden 'to delegate to any special commission, private corporation, or association, any power to make, supervise, or interfere with any municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever'.<sup>3</sup>

Thus early in the period there undoubtedly again developed the feeling that matters like public works, health, education, and, to a certain extent, police should be in the hands of locally elected officials, perhaps co-operating with, but certainly not responsible to the state authorities.<sup>4</sup>

#### FRAMEWORK—THE RISE OF THE EXECUTIVE

§ 34. *Functional domination of framework.* The great increase in number and complexity of functions inevitably reacted on framework. The creation of special boards under a functional domination of framework continued

<sup>1</sup> *N.Y. Assembly Doc., No. 159, 1875, pp. 12 ff.*

<sup>2</sup> Allinson and Penrose, *Philadelphia*, p. 223.

<sup>3</sup> Cf. King, *Denver*, p. 92.

Key West (1889-91) was entirely governed by a state commission of nine members. Local self-government was only partially restored in 1891. A new charter was granted in 1907 (Browne, *Key West*, pp. 19, 55).

<sup>4</sup> Yet Virginia School Superintendents were appointed by the State Board (Rollins, *School Administration*, p. 59). This was rare, perhaps the only case. Even these were responsible to a locally chosen school board (McBain, *Virginia*, p. 125). It worked badly (*Virginia Public Schools*, 1920, p. 267).



during the first part of the period in both countries.<sup>1</sup> While the inadequacy of committees of the council to deal with the functions of the greater American cities in an administrative capacity had become apparent; at the same time the alternative of the *ad hoc* boards was far from giving the hoped-for results. Thus there appeared with increasing frequency the third stage in administration, the single commissioner in charge of some department of government—perhaps one that had been mismanaged by a board. Police, health, or streets were the most usual ones, as the school, park, and library boards had shown a higher standard of public service.<sup>2</sup> The cities were with difficulty working out various administrative systems by trial and error, and the same city would frequently show examples of each of the three varieties mentioned. Why council government should break down in America, while it was succeeding in England, will appear later.<sup>3</sup>

§ 35. *The flexibility of American charters.* The problems brought by functional growth were usually met in some way by the city's own efforts. There was not to be present in America that degree of central restraint which relieved English cities of much of their responsibility. On the other hand, American charters were not drawn on lines simple enough to permit easy internal re-organization. Yet with all the complexity resulting from defective political theory, and in spite of the amount of central legislative interference, the charters began to

<sup>1</sup> e.g. Chicago, cf. Sparling, *Chicago*, p. 13. Cf. p. 170. Wilcox, *Municipal Government in Michigan and Ohio*, pp. 163 ff., attributes the board system to piecemeal legislation, distrust of local council, theory of partial renewal, desire for non-partisanship, idea that deliberation is required in administrative bodies, and greed for political spoils.

<sup>2</sup> Chicago, 1876, Commissioner of Works (Sparling, *Chicago*, p. 113 f.); Milwaukee, 1878, Commissioner of Health (Larson, *Milwaukee*, p. 106) were among the earlier ones. For this development in Boston in the early '90's, cf. Mathews, *Boston*, p. 11 f.

<sup>3</sup> Cf. p. 613.

exhibit a sensitiveness to the new complex situation. Quite largely as a result of local initiative they revealed trends in their amendment which showed the search of the city for a competent framework. The fact that the British cities were facing the same problem of administration in a situation of growing complexity makes the study of the American method of charter adjustment particularly significant for purposes of comparison.<sup>1</sup>

§ 36. *Early gains in the mayor's power.* The conspicuous feature of this charter development was the growing dominance of the mayor.<sup>2</sup> The way was prepared, by disassociation from the council and by popular election, for his assumption of duties other than ceremonial. The example of national and state governments aided in associating him with the prerogatives of an executive. The control of the police had been among the first so bestowed.<sup>3</sup> About the same time came a conferment of veto power<sup>4</sup>—an obvious imitation of the central governments and an application of the principle of checks and balances.

This gain had been sufficient to make the mayor an important figure in the public eye, though not as yet in actual power. Evidences of struggle between him and the council occurred from time to time. This conflict was a much deeper one than was realized, for it involved the search for responsibility and the unconscious bidding of these two branches for the higher place in popular

<sup>1</sup> Cf. p. 500.

<sup>2</sup> Accounts of this growth may be found in Fairlie, *Municipal Administration*; Munro, *Government of American Cities*; McBain, *Evolution of Types of City Government*, at National Municipal League, Nov. 25, 1916.

<sup>3</sup> e.g. ('70's) Chicago 1875; Milwaukee 1874 (cf. Larson, *Milwaukee*, p. 106 f.).

<sup>4</sup> e.g. ('70's) Pittsburg 1874; St. Louis (Home Rule Charter) 1876.

favour.<sup>1</sup> Such a struggle is probably inherent in government under separation of powers. In few ways does the combination of political philosophy and practical necessity as the dual forces in city evolution appear better illustrated than in this forging to the front of the mayor as the outstanding power in municipal government. The process deserves close analysis.

This process had revealed itself very clearly before 1890—so clearly in fact, that although the majority of the cities had not as yet accomplished the change, there could be no doubt as to the direction in which city government was moving. This new type of a powerful mayor was soon so far to dominate municipal thought that in its various manifestations and later developments it still forms (1926) the government of nine out of the largest ten cities, and of more than half of the next thirty.<sup>2</sup>

What then were the factors in this change?

§ 37. *Decay of the councils.* First in point of time may be placed the decay of the council. Mention of this has been frequent, and certain of its causes suggested.<sup>3</sup> This decay gave rise very naturally to a profound distrust which, due to similar causes, was being felt toward legislative bodies in general. This stage was reached when the increasingly complex functions became more than a legislative body with weak personnel could handle efficiently—lacking as it did a permanent civil service. The demands on the time were too great, the recompense too small, and the criticism of a partisan public too bitter, to attract able men to the office of councillor. The

<sup>1</sup> e.g. cf. Chicago (Sparling, *Chicago*, p. 12 f.); Boston, where in 1872 the mayor was held responsible by the people for a weak fire department, though in actuality the charter had vested him with but little real power. In 1873 an effort to increase his power was opposed by the council (Winsor, *Boston*, vol. iii, pp. 279 ff.; Bugbee, *Boston*, p. 34).

<sup>2</sup> Cf. p. 272.

<sup>3</sup> Cf. p. 13.

inferior type who then entered<sup>1</sup> had quickly seen the chance of extra-legal compensation, and used it. Other forces also were involved, such as the influx of immigration, the influence of corporations, the interference of the state, and the clumsiness of the governmental framework. But whatever the causes, the fact was clear that the council had become inadequate, and that other administrative agents were being sought.<sup>2</sup>

§ 38. *The unsatisfactory board system.* In some few cities—particularly in those which were relatively late in making the change—the mayor was the immediate successor to the council's power;<sup>3</sup> but in most instances the administrative board was first tried. This may be held

<sup>1</sup> e.g. Boston. In 1875 all of the aldermen owned property, the total assessed value of which was \$769,600, and sixty-one out of the seventy-four members of the common council owned property totaling \$1,530,800. In 1892 sixty-two out of eighty-seven councilmen owned no visible property. By 1904 the total assessed valuation of property owned by both aldermen and councilmen totalled only \$87,000. Their average for the five years (1902-1907) was one-twentieth of what it was in 1875 (Webster, *Problem of City Government*, p. 9 f.). For decline in Detroit, cf. Kent, *City Government in Detroit*, vol. i, No. 6 of the Publications of the Michigan Political Science Association, p. 53. For Baltimore, cf. Addresses, *Baltimore Congress*, 1911, p. 165. For St. Louis, cf. Steffens, *Shame of the Cities*, p. 30 f. There was no decline in Richmond (Nuckols, *Richmond*, p. 137); Atlanta (*Proc., Conference for Good City Government*, 1896, pp. 101, etc.); San Antonio (*History of San Antonio*, p. 27)—all Southern cities.

<sup>2</sup> Typical instances deserving study are Wilmington (Del.) (Conrad, *Delaware*, p. 305; Maxey, *County Administration in Delaware*, p. 170); Milwaukee (Larson, *Milwaukee*, p. 106 f.); Philadelphia (Allinson and Penrose, *Philadelphia*, pp. 213, 255, etc.); Newark (Urquhart, *Newark*, p. 619); Des Moines (Brigham, *Des Moines*, p. 288); Grand Rapids (Champlin, *Grand Rapids*, in vol. i, No. 6 of the Publications of the Michigan Political Science Association, p. 2). Cf. Boston, where Street Commissioners were made popularly elective in 1870; Board of Health removed from council, 1871; Fire Commissioners, 1872 (Winsor, *Boston*, vol. iii, pp. 279, etc.); San Francisco, 1878 (*Blue Book*, Calif., 1891, p. 59). For removal of local boards of health from control of council, cf. Peabody, *Legislation re Public Health*, pp. 63, etc.

<sup>3</sup> e.g. Louisville, 1893 (Johnston, *Louisville*, pp. 317, 329). In 1895 Spokane, the mayor declared a 'public emergency', and took over the police from the council in spite of threats of impeachment (Durlham, *Spokane*, p. 475).

as the second factor in the gradual emergence of the mayor as the predominant authority. The apparent need of specialists in the functions, heretofore governed by the committees of the council, has been frequently mentioned. If the development of city government in the United States had been more continuous or correlated, if cities had chosen more often to accept as a guide the experience of others in these earlier years, there might be some basis for tracing stages in the evolution of the boards themselves. Accident, local peculiarities, political motive, the degree of confidence in the various possible agencies, determined the particular agent chosen at the outset to select the members of the boards. Without definite policy, this choice varied between the council, the governor of the state, the state legislature, direct election by the people, the judiciary,<sup>1</sup> the mayor (with or without the consent of the council).<sup>2</sup> The one thing felt by every city attaining a certain size or complexity was that a board, which would specialize upon a particular function, would administer better than a committee of the council.

In the smaller cities the council itself usually made the appointments. The policy of state-appointed boards was recurrent, when constitutional provisions did not forbid, or where public opinion was not too outraged. Such a policy was used indifferently as a remedy for corrupt local government or as a tool for partisan advantage.<sup>3</sup> On the other hand, appointment by the judiciary was usually a resort to a forlorn hope that at least this branch of govern-

<sup>1</sup> e.g. Scranton, officials of 'Poor District' (Hitchcock, *Scranton*, pp. 158 ff.); St. Louis, 1876, Board of Equalization; Philadelphia Board of Health till 1885 (Peabody, *Legislation re Public Health*, p. 120); Norfolk Police Commissioners (1882 Charter); Hudson County (N.J.) Park Commission (Crecraft, *Hudson County*, pp. 74 ff.).

<sup>2</sup> For a typical example of a mixture of several methods, cf. Cleveland 1870, 1878, where council, mayor, popular election, governor, all had a part (Orth, *Cleveland*, p. 245 f.).

<sup>3</sup> Cf. pp. 105 ff.

ment would not be corrupted. Otherwise it was entirely illogical. Election by the people was hopeful, but the results were disappointing, and led to questioning as to the power and sphere of democracy.<sup>1</sup> From the time the executive board replaced the committee, the ultimate choice of a selecting power was practically inevitable. The very weakness shown by all methods mentioned left choice by the mayor in the nature of a residual.

§ 39. *Imitation of the Federal Government—separation of powers.* When the results proved meagre for the effort expended in the wave of retrenchment and reform of the middle '70's, and affairs were fast becoming bad again, men began to examine the principle of separation of powers more carefully. There followed a much closer analysis and comparison of the Federal and the city governments. The discovery was made that there had often been little in common between the two. It was more and more frequently pointed out that the local legislative branch was not only authorizing the spending of money but also administering it—in other words it was so preponderating that it had usurped a large part of the executive function.<sup>2</sup> In many cases the remedy applied was a slavish copy of the national model.<sup>3</sup> One of the

<sup>1</sup> Cf. p. 25.

<sup>2</sup> The Fassett Committee, while it deplored the era of boards, upheld the 'American theory of government' (N.Y. *Senate Doc. No. 50*, 1891, p. 95). Similar sentiments were expressed by Gov. Hantrant's 'Commission to devise a Plan for the Government of Cities', Penn., 1878. Such reasoning was partly responsible for the change in New Orleans from its quasi-commission government to the ordinary mayor-council type (Behrman, *Address to Society of Economics*, Tulane University, 1913, p. 8).

<sup>3</sup> Perhaps the best known instance was the 'Bullitt Charter' of Philadelphia, 1887. Ashley, *Local Government*, ch. iii, has an interesting table:

UNITED STATES.	
President for four years.	
Two Houses of Congress.	
Senate from each state.	
House of Representatives accord-	
ing to population.	

PHILADELPHIA.
Mayor for four years.
Two Chambers.
Select council from each ward.
Common council according to
population.

results was a temporary increase in the number of cities with bicameral councils.<sup>1</sup>

The Cleveland charter of 1891,<sup>2</sup> which became known as the 'Federal Plan', sought rather to adapt the underlying principle of separation of powers to as simple machinery as was possible, and thus to carry out the spirit rather than the letter of the American Constitution. The council was composed of twenty-two members. Its legislative powers were subject to the mayor's veto, which could be set aside by a two-thirds vote. The mayor had general power of appointment and removal of department heads, subject to the approval of the council. There were six departments—viz., public works, police, fire, accounts, law, charities and corrections. Each was headed by a director, who had power to appoint his subordinates without consent of the council.

§ 40. *Character of the mayors.* However petty the councils may have been, the mayors were often not without

Presidential message.

President's veto passed over by two-thirds vote.

President's appointments confirmed by Senate.

President impeached by House of Representatives before Senate.

Penalty—dismissal.

Mayor's message.

Mayor's veto passed over by two-thirds vote.

Mayor's appointments confirmed by Select Council.

Mayor impeached by County Council before Select Council.

Penalty—dismissal.

A similar effort in Chicago (1875) to include a bicameral council and a mayor's cabinet was forestalled (Sparling, *Chicago*, p. 61).

<sup>1</sup> e.g. Detroit, 1881-7 (Wilcox, *Municipal Government in Michigan and Ohio*, p. 116); Bridgeport, 1885-94 (Waldo, *Bridgeport*, pp. 14, 121); Cleveland, 1885-91 (Orth, *Cleveland*, p. 246); Indianapolis, 1877 (Dunn, *Indianapolis*, p. 159); Denver, 1885, for political reasons (King, *Denver*, p. 115); Memphis, 1870 (Young, *Memphis*, p. 15); Buffalo, 1891 (Larned, *Buffalo*, pp. 195 ff.); all cities in Pennsylvania, 1874. Most of these local histories point out the conscious imitation of the Federal Government.

The upper chamber in the bicameral council under the Norfolk charter of 1882 was chosen from the lower chamber—perhaps the only instance of this in later American charters.

<sup>2</sup> Cf. Williamson, *Finances of Cleveland*, pp. 22 ff.; Orth, *Cleveland*, p. 247, etc.

merit, even when city government was at its lowest ebb. Thus perforce by comparison they appeared as the protectors of the people against extravagant or corrupt legislative bodies.

Re-elections were frequent. The mayors most successful in obtaining them were not corrupt men. Nor, on the other hand, were they independent of partisan considerations or inflexible in law enforcement.<sup>1</sup> They most often were men who faced frankly the fact that they were living in a political and partisan age. While seeking to give an efficient and honest administration, they realized their dependence on many of the devices of partisan politics to gain supporters and to make but few enemies.

It is enough to point out that the list of good mayors was not inconsiderable, and that their general character had been such as to inspire confidence that powers transferred to them would be fairly well administered.<sup>2</sup>

Man has always desired to personify the good, and this trait in human nature had been denied expression in

<sup>1</sup> Those serving ten years or more seem generally to have been this type. Harrison (Chicago), 1879-1887, 1893; Latrobe (Baltimore), 1875-7, 1878-85, 1887-9; Doyle (Providence), 1864-9, 1871-81, 1884-6; Haynes (Newark), 1884-94. Salt Lake City (1851-82) had only four mayors, but was dominated by the Mormon Church (Fohlin, *Salt Lake City*, p. 21). Columbus 1870-90, four mayors out of six re-elected (Taylor, *Columbus*, var.). Cleveland 1870-90, two mayors out of eight re-elected (Orth, *Cleveland*, var.). For smaller cities, cf. Birmingham, Lane, eight years; Nashville, Kercheval, eight years; Cairo, Halliday, seven years; Savannah, Wheeling, Bridgeport, re-elections frequent.

<sup>2</sup> e.g. Boston. In 1881 it was recorded that not one of the twenty-three mayors had ever retired with any stain on his character (Winsor, *Boston*, vol. iii, p. 292). For Hartford, cf. Twitchell, *Hartford*, p. 245; Denver, '70's, in King, *Denver*, pp. 76 ff.—where 'practice preceded legislation' in mayor's power. For Newark (Mayors Record and Haynes), cf. Urquhart, *Newark*, pp. 825, 828. For Chicago (Mayors Medill and Harrison), cf. Moses, *Chicago*, pp. 217, 229 ff., etc. Other accounts of Harrison's administration may be found in Waterman, *Chicago*, pp. 108 ff.; *Reports*, Chicago Citizens Association, 1880-1888, 1893-1894. For his 'salutatory', cf. Wilcox, *Great Cities in America*, p. 202. For Doyle (Providence), cf. Stokes, *Providence*, pp. 24 ff., etc.



the earlier forms of city government. Thus there was little that was surprising in the tendency of the mayor to occupy an increasingly larger place in the public mind, until by 1890 he was the dominant figure in prestige if not in power. The psychology of this was the 'psychology of a rallying point'. When things went wrong the people began to seek a candidate for mayor who typified to them the reform they wanted.<sup>1</sup> This was the more natural, since in general the mayors were proving more honest and capable than the councils. It occasionally happened that mayors, like Latrobe of Baltimore,<sup>2</sup> refused to do the bidding of the bosses that put them in. Thus the way was prepared for the assumption of more and more power by the executive.

§ 41. *The search for responsible government.* All these factors but hastened a process that was inevitable, if complete breakdown of government was to be avoided. Definitely fixed responsibility was the only possible solution for the increasing chaos of cities which were growing too rapidly to be administered by a corrupt and unco-ordinated government. There were only three sources whence a co-ordinating force could be found. The first of these, still powerful in most cities, was the one which actually tided over the period of apparent chaos and made city government even possible. This was the boss and the party machine. Although extra-legal, they performed the service of co-ordination not provided in the number of competing unrelated existing agencies. Another possible solution—the reduction of the number of the council to a manageable size, and abolishing the independent mayor<sup>3</sup>—was scarcely thought of at the time, due to the strong hold the doctrine of separation of powers had on the popular mind. The third solution, and the one

<sup>1</sup> e.g. Davis, Fall River, 1873, 'to help Fall River face the problems of its sensational developments' (Fenner, *Fall River*, pp. 33, 171).

<sup>2</sup> Hall, *Baltimore*, p. 248.

<sup>3</sup> i.e. 'Commission Government', cf. p. 273.

eventually chosen by most cities, was to make the mayor predominant in administration and to leave the council ordinance power only. This was to be combined with the largest possible measure of simplicity of detail. The '80's were the years in which this policy became definitely manifest.

§ 42. *Delaying factors.* The question may arise as to what delayed a quicker consummation of this tendency. In the first place those whose power was threatened usually contrived to delay or block the change. This applied not only to the councils and boards who would be the apparent sufferers;<sup>1</sup> but even more to the boss or to the politicians whose domination of an irresponsible government would be seriously threatened by any change of framework that made the officials more amenable to the popular will. Thus almost the whole local civil service, dependent through the spoils system on the *status quo* for their occupation, could be counted upon as active propagandists against a change. In addition the legislature, from whom in most of the states any authorization must come, was often notoriously more ready to listen to partisan considerations than to those of sound government.

Furthermore, the traditional distrust of an unchecked executive had by no means died out. The cry that the mayor would become an autocrat found listeners even among those who had grown thoroughly disgusted with the councils or boards.<sup>2</sup> In response to this feeling, 'checks' on the mayor were incorporated, such as the requirement of confirmation of his appointments by the council or provision for his removal by the governor.<sup>3</sup>

The greatest barrier was the chronic one of popular indifference. The issue was clouded at its best. By

<sup>1</sup> e.g. Boston, 1873, 1884 (Bugbee, *Boston*, p. 42).

<sup>2</sup> e.g. Report of New York State Commission on City Government, *N.Y. Assembly Doc., No. 68*, 1876.

<sup>3</sup> Cf. pp. 272 ; 127 ; 164, footnote 1.

instinct rather than reason, men were moving in the direction of the responsible mayor. All this made the change slow and difficult, sometimes accomplished only by cities when their conditions had become so intolerable as finally to arouse public opinion to the necessity of a quick, saving change of some sort. But in spite of handicaps the process of strengthening the mayor was an accelerating one, once it had fairly started. It received its only real check in the twentieth century with the advent of a still better plan of government.<sup>1</sup>

§ 43. *Extent of the mayor's gain.* The actual steps taken to endow the mayor with greater power<sup>2</sup> are of less significance than the situation which induced the policy. The policy whereby the mayor was given a preponderating share in the making of the budget, has already been mentioned.<sup>3</sup> It did not become general among American cities. The great gain in the mayor's power did not consist in the control of the budget; but rather in increased freedom of administration. Prior to 1882 there had been a gradual extension of his appointive powers, but in practically every instance the approval or confirmation by the council had been necessary. In 1882 Brooklyn did away with the necessity of such approval, and her mayor became the first really independent executive among the cities. The happy choice of Seth Low, as the first mayor under this charter, aided in making the 'Brooklyn Plan' well known, and to a certain extent imitated throughout the country.<sup>4</sup> The 1885 charter of

<sup>1</sup> Cf. p. 273.

<sup>2</sup> Cf. McBain, *Evolution of Types of City Government*, for the National Municipal League, Nov. 25, 1916.

<sup>3</sup> Cf. p. 68.

<sup>4</sup> McBain (*ibid.*) records the following: New York 1884; Long Island City 1890 (Fairlie, *Municipal Administration*); Buffalo 1891; N.Y. second class cities 1898; Quincy 1888; Louisville 1893; New Haven, Meridan, 1897; St. Paul, Duluth, San Francisco, 1900; Lowell, Holyoke, '90's. The 'Tweed Charter' of N.Y. City, 1870-73, was an earlier instance.

Boston went still farther and gave the mayor *right of removal* as well—a provision which was also to gain increasing favour.<sup>1</sup>

It was but natural in the atmosphere of general distrust, to vest in the mayor various legislative powers in the form of checks on the council. The right of veto had for some time been a favourite device, but was generally subject to some provision for nullification by two-thirds or even a majority vote. Denver, in 1885, made the mayor *ex officio* member of all committees of the council; and Boston in the same year required his approval of all contracts over \$2,000. Cleveland, in 1891, gave him and the six departmental heads appointed by him the power of revising such ordinances as the council might submit to them, and also of speaking from the floor of the legislative chamber. These were all straws indicative of the way the wind was blowing, inasmuch as in most cases practice had preceded legislation and had in the popular mind constituted the mayor the real protector against a discredited council.<sup>2</sup>

It must not be supposed that by the year 1890 the mayor was legally or perhaps even in practice the dominant figure in the majority of cities. Nor is it easy to frame even a rough classification of the cities of this year in this matter, as so many were in the transition stage. However, some idea of the direction in which city government was moving may be gained by suggesting four approximate classes of city government, (1) council

<sup>1</sup> e.g. Greater New York City 1896, removal during first six months. Similar gains in Denver: 1876, to prepare provisional budget; 1885, powers of appointment and removal, to appoint experts to examine any department, *ex officio* member of several committees (King, *Denver*, pp. 76 ff., 117).

<sup>2</sup> During the '80's the trend seems to have been the other way (i.e. a weaker mayor and a stronger council) only in Chicago and Providence of the larger cities. Chicago had as yet been unusually fortunate in its council (Sparling, *Chicago*, pp. 83, etc.), while in Providence there seems to have been a reaction due to the absence of a personality such as Mayor Doyle (Stokes, *Providence*, p. 309).

predominant, (2) independent boards predominant, (3) commission governed, (4) mayor predominant. Of the chief twenty-three cities in 1880, seventeen would seem to belong to class (1), three to class (2), two (New Orleans and Washington) approached a commission type, and in only one, New York City, could the mayor be called legally the chief centre of responsibility—and there only because of the retention of the Board of Estimate from the Tweed charter. On the other hand, by 1890, eleven were still of the council type; five may be classified as governed by boards; Washington kept its commission; but there were six, including four of the largest, which had transferred enough power to the mayor to make him predominant. Furthermore this lead was soon followed by many of the other cities, the majority of which were greatly dissatisfied with existing conditions.

The contribution of the '80's was in blazing the way and in proving the gain of the new method. By 1893 at least four more of the cities (Cleveland, Buffalo, Louisville, Indianapolis) had adopted the strong mayor type. Baltimore and San Francisco followed before 1900.<sup>1</sup>

§ 44. *Variety in charters.* The variety in city government still continued, and in fact grew more pronounced;<sup>2</sup> yet in the larger cities the mayor was unquestionably rising to the position of predominance. The variety of type was to provide a wealth of experience for later municipal thought. In general the smaller cities were

<sup>1</sup> Cf. p. 272 f.

<sup>2</sup> Typical examples in a single state were the offices of mayor and treasurer in N.Y. State cities. Mayors were elected in six different months for three different terms at salaries ranging from 0 to \$10,000. The treasurer was elected in eleven cities, appointed by the council in seven, by the mayor and council in two, by the mayor alone in four. His term in three cities was one year; in fourteen cities, two years; in seven cities, three years; in one city, at the pleasure of the council. His salary showed fourteen variations. Removal by council, eight cities; by mayor, two cities; city supreme court, complaint of mayor, one city; mayor, with approval of governor, one city; two-thirds vote of council, one city; three-quarters vote of council, one city (*N.Y. Senate Doc. No. 80, 1891, p. 49*).

retaining administration by committees of the council<sup>1</sup>—usually, however, granting the mayor veto power and control of police. For the great group of towns under about 10,000 inhabitants, simple general laws had been developed whereby (whether under the name of borough, city, or village) a fairly effective government could be enjoyed.<sup>2</sup>

The fact that there was as yet little facility for sharing experiences, and almost as little desire, brought two paradoxical results. On the one hand, it made for variety. Each state or—where localities were consulted—even each city was a law unto itself. The result followed that problems were worked out by each in its own peculiar way. On the other hand, in so far as city government was a function of size, a city was often found needlessly repeating the mistakes made by other cities larger than itself, that years earlier had passed through the same stage.<sup>3</sup> Not until later, when this totally unnecessary failure to profit by the experience of others became greatly reduced, did the development of American cities enter a consciously national phase.<sup>4</sup>

As yet it could only be said that the leading cities were pointing the way toward a form of government with a strong mayor. This was the greatest single achievement of the '80's, with the possible exception of development

<sup>1</sup> New York State smaller cities usually had 'strong mayor' type (Fairlie, *Centralization in New York*, p. 18).

<sup>2</sup> e.g. Pennsylvania 'boroughs'. No specified area or population required. The boundaries were as close as possible to the built-up area. Within the county it was co-ordinate with a township. Elected officers included a chief burgess (in New York, 'village president'; in Illinois, 'mayor'), and a council. Other officers such as constable, assessor, auditor, etc., might also be elected, but were usually chosen by the council. Administration was by committees. Cf. Holcomb, *Pennsylvania Boroughs*, in Johns Hopkins University Studies, vol. iv, No. 4.

<sup>3</sup> e.g. Wilmington, '80's, etc., St. Paul, 1887, adopted the 'board' system after it had been discredited elsewhere (Castle, *St. Paul*, p. 179; Maxey, *County Administration in Delaware*, pp. 163 ff.).

<sup>4</sup> Cf. p. 293.

in civil service reform.<sup>1</sup> It remained for later times to knit the cities together into something that would approach a sharing of experience. The way was plain in one thing at least—responsibility must succeed irresponsibility, and the method first to be chosen was to make the mayor predominant. The ‘laws’ of group psychology do not seem to permit under separation of powers the elevation of the legislative branch to the position of supremacy which it held in England under the parliamentary system.

§ 45. *Problems of area.* One further aspect of framework deserves mention. The problem of area may be appreciated from the fact that in 1880 there were 130,000 distinct local authorities with taxing powers.<sup>2</sup> Yet in certain respects—notably in the matter of annexation—American cities were not experiencing the difficulties felt in Great Britain. Urban population grew from 14,722,438 in 1880, and 22,720,233 in 1890, to 30,797,185 in 1900.<sup>3</sup> This meant continuous expansion of boundaries, if government was to be adequate.<sup>4</sup> Save where rural areas were annexed, differential rating or other favours to the annexed district were exceptional.<sup>5</sup>

<sup>1</sup> Cf. p. 145.

<sup>2</sup> Montague, *Local Administration in the U.S. and U.K.*, Introduction, quoting 1880 census.

<sup>3</sup> Census returns, in *World Almanac*, 1922, p. 734.

<sup>4</sup> ‘Greater New York’ was formed in 1896. Metropolitan Boston and Chicago were not so successful. St. Louis (1876) city-county consolidation deserves study. Cf. Snow, *St. Louis*, p. 19. For problems of county relations, cf. p. 508; annexation, p. 505; metropolitan areas, p. 498, in Part II.

<sup>5</sup> In some instances even here, the differential rating was not a ‘concession’, but was due to the fact that the areas were rural. e.g. St. Paul, 1887, exemptions ‘till council should deem it expedient by reason of increased expense’ (Castle, *St. Paul*, p. 179). Concessions were: Memphis, 1898, exemption from former debts of city, and from taxation for police, fire, and light for ten years (Young, *Memphis*, p. 246); Baltimore, 1888, no increase till 1900, money raised in district to be spent there (Thomas, *Baltimore*, p. 33); Norfolk, 1887, 1890, no advance from previous tax for fifteen years, unless by vote of the district; a local Board of Improvements created to control taxes and expenditure (Norfolk, *Charters and Ordinances*, 1894, pp. 22 ff.).

Aside from deeper reasons for relative ease of annexation, which must be left for later discussion,<sup>1</sup> the increased prestige and service that city residence brought were usually welcomed. Thus, with only occasional local difficulties, the custom grew up of holding a plebiscite in the area in question.<sup>2</sup>

#### HANDICAPS TO SERVICEABLE GOVERNMENT

§ 46. *Handicapping factors.* It was during the period under discussion that the late Lord Bryce characterized the American city as the 'conspicuous failure of American democracy'.<sup>3</sup> It is therefore very fitting to examine the reasons why this indictment continued so long a true one; and to inquire how many of the handicaps under which city government was labouring reflected upon the integrity or capacity of the American citizens. These handicaps may be roughly classified as (1) errors of framework, (2) state interference, (3) the character of the electorate, (4) the existing party system, (5) 'invisible government'. All were closely related. Each in some of its manifestations not only shaded into one of the others, but almost invariably involved them. A single instance of bad government often concealed two or more of the hampering forces, and, in certain cases, all of them.<sup>4</sup>

<sup>1</sup> Cf. p. 534.

<sup>2</sup> On the other hand, Houston 1871, Denver 1874, Wichita 1875, annexed area without the consent of the population in order to tax it. The original area of Houston was restored in 1875. (Cf. Carroll, *Houston*, pp. 78 ff.; King, *Denver*, p. 73; Bentley, *Wichita*, p. 232.) Boston's annexations checked the decline in its government (Bugbee, *Boston*, p. 31). Kansas City (Kansas) was formed in 1886 by merging five towns. (Cf. *Wyandotte Co. and Kansas City*, pp. 388 ff., for account. 'Consolidation in spirit' was effected by the streets grading north and south.) For Ohio, cf. Orth, *Cleveland*, p. 48 f.

<sup>3</sup> Bryce, *American Commonwealth*, vol. i, p. 642.

<sup>4</sup> e.g. Poor work on the New York City aqueduct was uncovered in 1888 by a committee of the N.Y. Senate. Partisanship and sinister influences (i.e. 'invisible government') were hopelessly involved in the process by which the contract had been let, not to the lowest bidder, but to a firm of which the chairman of the Democratic



The government can best be described as a tangle, and thus the classification adopted is not one of isolated factors, but one of points of approach to the single problem of bad government.

§ 47. *Errors of framework.* The forces making for evil can never be completely detached from the personal element of the character of those that use them. Yet, on the whole, no period better illustrated the power of the framework of government for good or ill than the one under discussion. This was conspicuously true in so far as the government was inefficient as distinct from being corrupt.<sup>1</sup>

First and foremost of these errors of framework were the confusion, incoherence, and irresponsibility. Charters were continually patched up.<sup>2</sup> Even when new ones were secured, it was more than likely that much of the old division of responsibility was kept. Of all the large cities by 1890, only Brooklyn and Boston could be said to have made substantial progress. Even where a charter

Committee was a member. The state legislature had been responsible for removal of the mayor and controller from the committee. The result was that the consequent irresponsible and decentralized government smoothed the way for the award of the contract—while the public remained indifferent. (*N.Y. Senate Doc., No. 57, 1889.*)

<sup>1</sup> 'The principal source of the abuse is not in the disposition to do wrong, but in the licence to speculate and plunder. It is the power to do that which is done, and not those who do it, wherein we must find the evil.'—Gov. Hantranft, Penn., 1876. (Quoted in Allinson and Penrose, *Philadelphia*, p. 262.)

<sup>2</sup> e.g. New Haven (1881-1900). Eighty distinct amendments and special laws (Hill, *New Haven*, p. 103). In 1885 the city was governed by a bicameral council, the upper house of which appointed the commissioners of public works, police, and fire; and the two houses acting jointly, the boards of compensation, sealers, supervisors, and inspectors. The mayor, subject to the approval of the upper house, appointed the commissioners of buildings and public health and, subject to the joint approval of both houses, the coroner. The park commission had two of its members chosen by the mayor with the consent of the upper house, while the other three were chosen by the donors of East Rock Park, subject to the mayor's approval and removable by him. In addition to the mayor, twenty-four aldermen (upper house), twenty-six councilmen, there were also elected by the



represented an initial gain, the amending Acts passed by the legislatures in their typical piecemeal style soon restored the original confusion.<sup>1</sup>

The boards were a doubtful improvement. The most that can be said of them is that they were able—if not willing—to devote their entire time to their special work. This recognition of the need for specialists was in itself a gain. The blame for the board's lack of success may be attributed to two things: the failure properly to correlate their work with the rest of the government, in respect of matters such as responsibility and unified policy; and the lack of any method to insure ability in their personnel. They were ostensibly created to perform some duty for which the council was proving inadequate; but in actuality they might well have been merely the result of some special legislation designed to bring about a temporary partisan advantage. Those responsible for their creation failed properly to relate this new agent to those already existing or clearly to define the measure of responsibility expected of it.

'The system of boards, the innumerable grooves and ruts into which affairs had worked themselves, the utter absence of responsibility where power was vested, the confirmed habit among good citizens of refusing offices that either had no prominence or no power, the general viciousness and inefficiency of a system that had grown up piecemeal out of the squabbles of politicians and with scarcely a suggestion of political science or honest thought from beginning to end—all this wretched system had at

people a treasurer, city clerk, auditor, and sheriff. The mayor was *ex officio* chairman of a number of boards including the Board of Finance (i.e. a joint committee of the two houses), in some of which he had a casting vote. He had only a delaying veto. The two judges of the city court, appointed by the state legislature, in turn named the city attorney and some minor officials. (Cf. Levermore, *New Haven*, in Johns Hopkins University Studies, vol. iv, No. 10.)

<sup>1</sup> Even the Consolidation Act, New York City, 1882, contained 2,143 Sections and 591 pages. Cf. also Youngstown and Akron in Orth, *Centralization in Ohio*, p. 17.

last brought about official habits as bad as the system itself.' <sup>1</sup>

However, with the mayor's added responsibility, the period prior to 1890 did witness a considerable reduction in the number of elective officials. Even then the situation was serious enough. There were several instances where fifteen or twenty officials were popularly elected.<sup>2</sup> The election of members of the city council by wards had the obvious advantage of representation of the needs of each district. Yet already the temptation to consider first the welfare of the ward, and only afterwards that of the city as a whole, was handicapping city government.<sup>3</sup> Even more pernicious was the opportunity the ward division gave for entrenching party politics.

Much of the weakness of the city charters can be recognized as the result of the prevailing political philosophy, particularly the theory of 'government by checks and balances'.<sup>4</sup> So long as it was thought necessary to tie the hands of the city officials, so long could the blame for bad government be passed by them (often justly) to the knot that tied them. When the thought that officials were not to be trusted was so thoroughly incorporated

<sup>1</sup> *Report, Chicago Citizens Association*, 1874-6, p. 20.

<sup>2</sup> e.g. The Charter of Norfolk, 1882, left the election of twenty officials, in addition to the mayor and bicameral council, to popular vote. These included one weigher of hay, one gauger and inspector of liquor, etc. (*Charters and Ordinances of Norfolk*, 1882.) Denver by 1885, fifteen officials were to be popularly elected (King, *Denver*, pp. 119 ff.).

<sup>3</sup> A tradition in Milwaukee. e.g. There were three 'sides', each of which in 1874 was empowered to select a member of the Board of Public Works (cf. Larson, *Milwaukee*, p. 106 f., etc.). Philadelphia and Pittsburg were also among the chief sufferers. Their school boards were elected by wards (Rollins, *School Administration*, p. 49), and a few of the wards (Philadelphia) even retained their own almshouses. Wards were often 'Gerry-mandered' (i.e. boundaries arranged for political advantage). e.g. Denver, 1883 (King, *Denver*, p. 107).

<sup>4</sup> Its high-water mark was in the St. Louis charter, 1876—which was drafted by the citizens. It worked well at first (Snow, *Missouri*, pp. 97 ff.; Snow, *St. Louis*, p. 39). Cf. p. 164.

into the charters, when the power of a good man would be so restricted, the natural result was an inferior type of man rendering correspondingly inferior service.

Thus all these factors—the confusion, the ward element, the ‘long ballot’,<sup>1</sup> the constant restraint—inevitably manifested themselves, not only in a lack of harmony within the government (except where the men were of unusually high calibre, or more often where the political machine held them together); but in a failure to attempt anything like a consistent policy from year to year in meeting the needs of the growing city. During these critical years of growth there was scarcely a thought of city planning, or of a comprehensive and continuous policy of public works. Where a plan was actually made, it was subject to the caprice of the next administration, which was only too often to disregard it. This was an inherent weakness of a system where permanence of tenure existed neither in the governing body nor (as in England) in the administrative officials.<sup>2</sup>

§ 48. *State interference.* The evil of special legislation must again be mentioned. This had been somewhat palliated by the reaction against it in the '70's, but in the '80's it was giving every evidence of a recrudescence of its original strength.<sup>3</sup> The constant confusion in men's minds as to which functions were local in nature and which were performed by the locality for the state aided

<sup>1</sup> i.e. the term applied when there are numerous officials to be popularly elected.

<sup>2</sup> A rare instance occurred in Chicago. D. C. Cregier spent thirty-two years in the city service, working up from the ranks to mayor (Sparling, *Chicago*, p. 120).

<sup>3</sup> Kentucky, 1890, passed 176 public and 1,752 private Acts. New York (1884-9) passed 1,284 Acts relating to its thirty cities. Cf. Guitteau, *Constitutional Limitations on Special Legislation*, pp. 1 ff. Between 1880 and 1890 the police of Buffalo were reorganized three times (Larned, *Buffalo*, p. 192). For N.Y. State, cf. *Senate Doc., No. 80*, 1891, p. 3; N. Jersey, cf. Lee, *New Jersey*, vol. iv, p. 184; Alabama, cf. McBain and Hill, *Alabama*, p. 142. Cf. also pp. 149, 265.

in this.<sup>1</sup> However, by far the most obnoxious, and in many states the most frequent form of special legislation was that in which partisan spirit was manifest. The name of 'ripper' legislation came to be applied to this. It had many forms. Those most common were of the type designed to prolong the term of an official who was threatened by defeat; or the opposite—namely, to legislate out of office an official of the wrong party.<sup>2</sup> Legislators that passed such measures usually had a defence ready. This was often with ludicrous results, as they would frequently undo what they had previously defended when political conditions were reversed. Certain functions of the city were often placed under state control for some such purpose.<sup>3</sup> Occasionally the state would block the efforts of a mayor who was trying adequately to tax the public utility corporations.<sup>4</sup> All such devices were not merely inexcusable; they were demoralizing to an effective local government, bringing office-holding into discredit and making its decisions irresponsible.

The signs of diminished effectiveness of the old method of prohibiting special legislation became more marked by 1890. Particularly was this true with regard to the subterfuge of classification, carried to its most absurd

<sup>1</sup> Grant, *State Supervision of Cities*. 'The lack of distinction of central from local business, the indistinct idea of local corporate authority, the general introduction of the elective principle for local officers, free from central control, while performing general powers in many cases, have resulted in the increase of the powers of the legislature over the actions of local bodies, for the legislature has become the only body having the power to insist upon uniformity in administrative methods.' (Ibid. p. 43 f.) Cf. also Goodnow, *Municipal Problems*, for the case for clear demarcation between local functions and central functions locally administered.

<sup>2</sup> e.g. Newark, Jersey City, 1891 (Urquhart, *Newark*, p. 637); Jackson (Mich.) (Wittington, 'Jackson', in vol. i, No. 6, p. 32, of *Publications of Michigan Political Science Association*).

<sup>3</sup> e.g. Detroit, health, 1895 (Wilcox, *Municipal Government in Michigan and Ohio*, p. 120). Denver, public works, 1889 (King, *Denver*, p. 125). The excuse was local extravagance.

<sup>4</sup> Cf. footnote 1, p. 281.

length in Ohio. 'Home rule was being completely destroyed. The General Assembly determined for Cleveland, Cincinnati, Toledo, Dayton, and nearly every other city in the state, as well as for particular villages of even the smallest population, what officers they should elect, what salaries they should pay them, what parks, streets and hospitals they should build or improve, what their tax limits should be, what bonds they should issue, and what powers each and every department of the municipal government should possess.'<sup>1</sup>

Though in no other state with such a constitutional provision had the courts permitted or the legislature undertaken so manifest a perversion, yet in at least seven other states the largest cities were the sole representatives of 'Class I'.<sup>2</sup> The feeling against administration by statute was the more acute when, as was usually the case, the representation of the largest city in the state legislature was not proportionate to its size.<sup>3</sup>

Another aspect that grew more pernicious as the battle

<sup>1</sup> Ellis, *Municipal Code of Ohio*, pp. xi ff. The Chambers of Commerce of the state played a part in the fight against such a perversion. For similar perversion concerning Ohio school districts, cf. Orth, *Centralization in Ohio*, p. 40.

<sup>2</sup> i.e. the largest. Pennsylvania (Philadelphia), Indiana (Indianapolis), Kentucky (Louisville), Nebraska (Omaha), Missouri (St. Louis), California (San Francisco), Montana (Helena) (Clow, *City Finances*, p. 10). Also classification was negatived in Tennessee. In New Jersey the classification remained 'reasonable' (Lee, *New Jersey*, vol. iv, p. 147 f.). A court decision (1887) blocked an attempt by the Pennsylvania legislature to increase the number of classes from three to five (Hitchcock, *Scranton*, p. 363).

<sup>3</sup> e.g. Baltimore (1896), almost half the population of Maryland, had only one-fifth of House of Delegates and one-eighth of Senate (Thomas, *Baltimore*, p. 37); Wilmington, Delaware (Ross, *Constitution for our Commonwealth*, var.). (The Delaware 1897 Constitution granted a certain increase in representation, which was formerly only one-fifth of the whole, though the population was one-third.) Newark and Jersey City were resentful of the influence of Camden and Southern New Jersey in New Jersey Legislature (Sackett, *Modern Battles of Trenton*, p. 17). In 1875, although N.Y. City paid more than half of the state tax, it had no representation on the State Board of Assessors (*N.Y. Senate Doc.*, No. 79, 1876).

against monopoly became more successful in the cities, was the tendency of corporations—blocked in the cities—to seek the identical franchise privileges through the medium of a statute.<sup>1</sup> It had always been so in England.

A more legitimate reason for state legislative action came once a city had sacrificed its simplicity, or had become lost in the confusion of the decentralized board system. In such a situation, the constant variation in city problems due to changes in size, character of population, etc., made almost necessary some readjustments more flexible and peculiar than could be obtained by any general law. Hence there was often a genuine reason for the state to pass special laws for single cities. The difficulty of the solution of such problems by state effort came in the failure of the legislature to exercise self-restraint, once it had realized its power. Excessive tinkering with local charters was all too common, for there were always elements in the city politic that would support almost any measure the state might pass.

Certain things must be borne in mind in any estimate of this problem of special legislation. Where there was no complaint, as was the case with a large part of the United States, there was usually no problem.<sup>2</sup> Even where complaint existed, much of the protest was from those whose personal privileges had been touched by what was really beneficial legislation. All of this does not detract from the significance of the fact that many of the cities had now degenerated so that they were little more than tools of politics in the hands of a partisan state legislature.

§ 49. *Character of the electorate.* How far was the character of the electorate responsible for ineffective

<sup>1</sup> c.g. Detroit (Pingree, *Facts and Opinions*, p. 83); Boston (Mathews, *Boston*, p. 94); Indianapolis (Dunn, *Indianapolis*, p. 426).

<sup>2</sup> It is difficult to ascertain; but cities in Maine, Vermont, Massachusetts, Rhode Island, Maryland, Virginia, Georgia, Louisiana, Texas, Wisconsin, Kansas, California, Washington, and Utah seem to have had relatively little complaint.



government? Part of the immediate trouble may be traced to the ignorant vote. Each large city tolerated housing and living conditions where it was next to impossible that any but a perverted idea of government should flourish. For example, in the eleventh ward of New York City (1894) the population of Sanitary District A was 986.4 to the acre.<sup>1</sup> It was not so much that these voters were ignorant of the mere machinery of the state—it was rather that they were ignorant of the existence of any higher school of thought about government than one of exploitation, personal plunder, or the boss-follower relationship. With all of these they had come to be so familiar that they regarded them as accepted and commonplace.

Next to ignorance, and more serious, was indifference. This has been a major difficulty in every city, and a stumbling-block to most efforts at reform. When people fail to take the trouble even to vote, then the old platitude, 'The people get just the kind of government that they deserve', seems near to the truth.<sup>2</sup>

There was another and a larger sense in which the people were to blame. In this case the fault was a reflection not on their integrity but on their judgment. It has been seen frequently how an underlying principle of action, though sincerely held by even the best-intentioned statesmen, has oftentimes been wrong and has greatly retarded the progress of the city. In brief, the philosophy of city government, even of the 'city patriot', was unsound in many of its premises. Many of these premises were borrowed from the national government. Men did not perceive that the problems of a city were not solved by a 'separation of powers' which left responsibility

<sup>1</sup> Zueblin, *American Municipal Progress*, p. 298, quoting the N.Y. Tenement House Commission, 1894. Manhattan's density was 125.2 per acre.

<sup>2</sup> Occasionally it was intimidation that prevented some of the better class from voting. e.g. Philadelphia (Vickers, *Committee of 100*, p. 10).

divided. Akin to this, and making for indifference, was the 'faith in the automatic'<sup>1</sup> that led people to trust in constitutional provisions to secure good government. Furthermore, men were carried away too much by the spirit of the times, seeking expansion or parsimony for their own sake or for immediate results; not looking at the deeper consequences. The political boss realized that the average citizen would endure much if his tax rate kept low—even though the administration were starved or static as a consequence.<sup>2</sup> The expression of distrust through the medium of checks upon all types of city officials was a very superficial remedy for extravagance and speculation. It defeated its own purpose, not only through its inability to keep pace with new devices of graft, but also through the refusal of most men of ability to serve in a position so circumscribed.

Those most desirous of having good government were themselves choosing unsound remedies for the trouble. Added to this were the factors next to be considered—the corruption of so many of the voters; and the strong partisanship of almost all. One wonders, not that the government was so bad, but that it functioned at all.

§ 50. *The party system.* To trace the means by which partisanship and corruption fastened their hold on the government of every large city is by no means an easy task.<sup>3</sup> Their earlier course was rather a crude affair. Corruption had been more or less brazen,<sup>4</sup> and the reform

<sup>1</sup> The term used by Professor McBain to characterize the American's devotion to written constitutions or laws.

<sup>2</sup> e.g. Philadelphia (Clow, *City Finances*, p. 25); Baltimore (Addresses, *Baltimore City-Wide Congress*, 1910, p. 166; Hollander, *Financial History of Baltimore*, p. 209); San Francisco, (Young, *San Francisco*, vol. ii, pp. 709, 713 f.); Chicago (Merriam, *Revenues of Chicago*, p. 10); Cincinnati (cf. *Annals*, vol. xxv, Jan. 1905, p. 173).

<sup>3</sup> Cf. Bibliography, p. 659, for studies of the problem of corruption and machine rule.

Most of the material that follows is taken from these familiar accounts.

<sup>4</sup> The most famous instance was the notorious conduct of the 'Tweed Ring' in N.Y. City about 1870. When corruption was

waves of the middle '70's thus had a measure of success. But the decline of civic morals in the '80's was a more complex thing, the significance of which was little realized at the time. Various aspects of the decadence would crop out here and there, but current comment showed that the public mind had not related them. People were too prone to treat each manifestation as an isolated fact, and not what it really was—a symptom of a single disease that was undermining the city.

To mention partisanship and corruption as two distinct handicaps of the government is merely to recognize that they were not essentially one and the same thing. That partisanship may assume a form as sinister as corruption, gives it its just place as the latter's chief ally (not always consciously), and as perhaps the greatest obstacle to reform. Why this was so in the United States and not in the United Kingdom must be left for later consideration.<sup>1</sup>

The heart of partisanship was the 'machine' or party organization. When the interest of the general public in civic affairs began to wane, and when the better type of men became indifferent to civic honours—largely in their pursuit of wealth—then the professional politician found his opportunity. Immigration introduced disparate elements in the place of the old unity. In so far as the immigrants were more ignorant than the old stock, they presented a greater opportunity for organization on the part of some one. The professional politician accomplished this, for no one else cared to take the trouble.

The necessity of a political group to bring a semblance of coherence into the government has been frequently

exposed, Tweed sent back the challenge, 'What are you going to do about it?' (Cf. Myers, *History of Tammany Hall*, for account.) The various histories of N.Y. City devote considerable attention to this phase of the city's history. (Cf. also *N.Y. Senate Document*, No. 79, 1876.)

<sup>1</sup> Cf. p. 608.

mentioned, as has the fact that only thus could the government function at all. Yet the better type of citizens were either too conscientious to make the compromises necessary for cohesion or continuity, or, as was far more often the case, they washed their hands of city government altogether.

Thus it came about that one man or a group of men, not necessarily in any official capacity, came more and more to exercise the guiding and co-ordinating power. They worked actively to control the party nominations so that only those of their own kind would come into office. In the early years of the period the art of bossism was still experimental; by the close it had become well developed.<sup>1</sup> The bosses depended on the control of the appointments to assure that no discordant official took part in the administration. If this were all, it might be said that they performed a most necessary, and, in the existing state of public opinion, an inevitable function.<sup>2</sup>

One must now digress somewhat to examine further how the bosses kept their power, once it was attained—considering first the legitimate, if not honourable, side. The most obvious source of strength was the spoils system, extending in most cities to every branch of government. A city job had now become the reward of party service, and would generally be retained as long as the holder continued to act to the party's advantage—or during the duration of the administration. It was taken for granted that all major, and most minor, appointments should be at the disposal of the incoming party. Thus a small army of men in key positions, well organized,

<sup>1</sup> Cf. Bryce, *American Commonwealth*: 'Such party chieftains . . . wield a power far more absolute, far more unquestioned than the laws of the U.S. permit to any official. One must go to Russia to find anything comparable to the despotic control they exert over fellow-citizens who are supposed to enjoy the widest freedom the world has known.' Cf. ch. lxiii.

<sup>2</sup> A good account of bossism relatively free from corruption may be found in Hall, *Baltimore*, pp. 243 ff.

could be depended on to work for party success in subsequent elections. The occasional 'reform mayor' who succeeded in defeating the machine, usually made his appointments on merit, not on service ability at election time. Accordingly he was seldom re-elected.<sup>1</sup> Probably almost as much service to good government was rendered by mayors, who, while striving to give good administration, frankly realized that the existing state of things made the support of a machine almost necessary for any continuance of effort beyond the single term.<sup>2</sup>

Next to the spoils system could be placed the control of the nominating machinery. As yet this was almost entirely in the hands of the party officials, and any indifference of the public at election time was increased tenfold at the primary nominations. More and more these had fallen into the hands of the bosses, who arranged their 'slates' or lists of candidates in advance, and merely took precautions to see that enough of their supporters were present and voting to insure their wishes at the caucus. There was as yet no general realization of the importance of the primary, even in cities where nomination by one of the parties was tantamount to election, as in Republican Philadelphia.<sup>3</sup>

A number of devices that would be transparent to-day were used to keep the necessary popular support to prevent the success of a rival party or the victory of an independent movement. Of these the favourite one was the nomination of men—usually for mayor—who would 'perfume the ticket'. Such was the low standard of

<sup>1</sup> e.g. King in Philadelphia, 1884 (Oberholtzer, *Philadelphia*, vol. ii, p. 425).

<sup>2</sup> e.g. Harrison, Doyle, etc. Cf. footnote 1 on p. 115. The 'New York Way' of running city government was mentioned as being introduced in Evansville in 1870 (Gilbert, *Evansville*, p. 327).

<sup>3</sup> The instance in 1887, when the candidate for mayor of Philadelphia was chosen by a committee of twelve (four from the Union League, four from business organizations, and four from the bosses), was an exception (Steffens, *Shame of the Cities*, pp. 196 ff.). The 'primary' is the American nomination process.

public morality, that respectable citizens would often run for mayor under these conditions, thus assuring the election also of unfit aldermen or minor officials.<sup>1</sup>

Under conditions of confused framework and popular neglect, it took very little to cloud the issue. Criticism, however legitimate, was often called 'politics'. Thus the public distrusted even sincere men, so thoroughly rooted had become suspicion of any man concerned with politics. One finds in the contrast with England's veneration for office either the cause or the effect of the difference.<sup>2</sup>

The cry of 'home rule' would set at naught the efforts at reform through state channels; and the endangering of party success nationally would rarely fail to rally the wavering to the support of the poorest of local tickets.<sup>3</sup>

But whatever may be said as to the advisability of these methods of obtaining and keeping power, it cannot be argued that they were illegal, or even, in view of the need for some such method of securing harmony and continuity, immoral. Most of them were seldom seriously questioned at the beginning of the period, and by 1894 only some of the more flagrant abuses of the spoils system stimulated any considerable degree of popular resentment or remedy. Till 1894, only among a few enlightened leaders was the party system of city government so far a matter of discussion as to advocate the separation of municipal and national issues. Small wonder that through the '80's and early '90's there was little evidence of a maturing of municipal thought.

<sup>1</sup> e.g. San Francisco, '80's (Young, *San Francisco*, vol. ii, p. 564); Baltimore, 1885 (Hall, *Baltimore*, p. 264). Mayor Fitler of Philadelphia (1887) was deceived by the bosses, through their support of him for the Presidency of the U.S. (Steffens, *Shame of the Cities*, pp. 196 ff.).

<sup>2</sup> Cf. p. 619.

<sup>3</sup> Even McKinley and Sherman urged that national issues were uppermost in the Cincinnati election of 1891, thus aiding in the election of Horstman, the candidate of boss Cox (Goss, *Cincinnati*, p. 268).

§ 51. *Corruption and 'invisible' government.* By a very artificial separation the foregoing may be called the legal undermining of city government—an inevitable accompaniment of the defects in the political theory. Hopelessly tangled with this was the darker side of corruption which added the motive of illegitimate profit.<sup>1</sup> Practically all trace of the spirit of public service had long since disappeared with the loss of respect for the officeholder.<sup>2</sup>

There were many ways open to the bosses whereby they could not only maintain themselves in power, but also derive considerable illegitimate revenue. Plunder as such was seldom divided among many, as the multitude of retainers were perforce content with securing a city job. Forces that might profit at city expense could usually be found acting with the 'machine', whose leaders they rewarded not merely with political support, but with financial payment as well.

Of this type were the contractors or business firms that were engaged in doing work for the city, or in supplying it with various materials. Bidding was theoretically competitive, but there were many ways in which this provision was evaded.<sup>3</sup> Firms that could obtain lucrative contracts would naturally support the administration for re-election, while other firms not so successful would hardly dare oppose for fear of no business in the future. An intractable corporation could be brought

<sup>1</sup> Particularly good accounts are in Steffens, *Shame of the Cities*; Goss, *Cincinnati*; Wright, *Bossism in Cincinnati*; Wetmore, *Battle against Bribery* (St. Louis); Meyers, *History of Tammany Hall*.

<sup>2</sup> Cf. the blasphemous oath of the St. Louis 'ring', in Chandler, *Local Self-Government*. Deity was called to witness the sanctity of their agreement to keep secret their devices of plunder.

<sup>3</sup> Usually by specifications so arranged that only the favoured firm could bid successfully. An example of a device which was to become more and more common was the 'ring' among the contractors of Grand Rapids, whereby they agreed in advance which should bid the lowest (Champlin, *Grand Rapids*, in vol. i, No. 6 of the Publications of the Michigan Political Science Association, p. 10).

into line by adverse legislation. Banks anxious for deposit of city funds, real estate owners wishing parks, etc., near their holdings, all had a part in corruption.<sup>1</sup>

The toleration of vice and gambling, and lax enforcement of liquor laws frequently became municipal issues; and the power of the 'underworld' was always on the side of a tolerant party in power.<sup>2</sup> 'Police graft', in which various illegal and vicious interests paid for protection, became increasingly frequent, more particularly since in the majority of cities the police department was a creature of the spoils system.

Most sinister was the hold obtained by the public utility or railroad interests.<sup>3</sup> Prior to 1873 such corporations grew in power with the aid of the people they were to betray. The politicians understood the new force better than the people. Hence heavy toll was taken in the shape of bribes for favours granted. The '80's were the years when the corporation element entrenched itself. The profits of these industries naturally monopolistic were so great, the standard of civic morality so low, that there came to be scarcely a city during the period which did not show a disgraceful alliance between its government and its utility corporations. By 1890 a transition in public opinion was noticeable; and the

<sup>1</sup> e.g. Boston (Mathews, *Boston*, p. 91) ; Philadelphia (Allinson and Penrose, *Philadelphia*, p. 228).

<sup>2</sup> Even in smaller cities, e.g. Memphis (Young, *Memphis*, pp. 231, etc.) ; Tacoma (Hunt, *Tacoma*, var.) ; Cairo (Lansden, *Cairo*, p. 183) ; Des Moines ('80's) (Brigham, *Des Moines*, p. 304).

<sup>3</sup> 'My experiences in fighting monopolistic corporations as Mayor of Detroit, and in endeavouring to save to the people some of their rights as against their greed, have further convinced me that they, the corporations, are responsible for nearly all the thieving and boodling with which cities are made to suffer from their servants. They seek almost uniformly to secure what they want by means of bribes, and in this way they corrupt our councils and commissions.' Pingree, *Facts and Opinions*, p. 24. e.g. Milwaukee (*Annals*, vol. xxv, March 1905, p. 191) ; Jersey City (Lee, *New Jersey*, vol. iv, p. 192) ; Providence (Stokes, *Providence*, p. 309) ; Pittsburg (Wright, *Bossism in Cincinnati*, p. 167) ; Chicago (till 1896) (*Annals*, *ibid.* p. 33) ; Minneapolis (Parsons, *Minneapolis*, pp. 124, etc.).



public was no longer willing that large privileges should be freely extended to a public service company.

The granting of liberal franchises was but one form this evil took.<sup>1</sup> Fully as sinister was the under-assessment of corporation property whereby, under a friendly purchasable administration, large sums in taxes could be saved the companies.<sup>2</sup> This was one of the chief reasons for the movement toward the transfer of the assessment of utilities from the city to the state authorities—already noticeable by 1890.<sup>3</sup>

Nor were those mentioned above the only sources of illegitimate power and profit. The countless ways in which city government touched everyday life furnished as many opportunities for favouritism or political pressure. All these were the penalty paid for the loss of the ideal of public service. The struggle of a party group to maintain itself in power also took the form of the misuse of the electoral machinery.<sup>4</sup> Not the least of the bad effects of this was the abstention of many of the better element from voting, through sheer disgust.

Yet the political machine was too shrewd always to conduct itself in this manner. Threatened popular revolt usually had a measure of success, not so much in securing officials of its own choice, as in stimulating the good behaviour of those in power. Even what appeared

<sup>1</sup> Baltimore, after 1889, was more careful in its grants (Hollander, *Financial History of Baltimore*, p. 276). 1889, Denver, state law restricted further franchises to twenty years (cf. King, *Denver*, p. 157 f.).

<sup>2</sup> For Baltimore, '70's, cf. Connelly, *Political Romanism*, p. 22.

<sup>3</sup> In 1874 Massachusetts had passed a general law permitting automatic incorporation of street railroad companies, once permission of local authorities was secured (Whitten, *Administration in Massachusetts*, p. 115).

<sup>4</sup> Among the most flagrant were Philadelphia 1880 (Vickers, *Committee of 100*, pp. 7 ff.); Cincinnati, '80's (Goss, *Cincinnati*, p. 255); Indianapolis 1886 (Dunn, *Indianapolis*, pp. 295, etc.). For primary frauds in Detroit, cf. Kent, 'Detroit', p. 49, in vol. i, No. 6, of *Publications of Michigan Political Science Association*.

to be good government might be a mere trick to perpetuate the bad.

To what extent did this growing rottenness affect the actual quality of government? It is rather difficult to state, because partisanship, inefficiency, and corruption are charges easy to make but difficult to prove. In an atmosphere such as existed at this time, all respect for office was lost. Hence, however sincere the purpose of an action might be, the people were looking for sinister motives and suspecting every official. The charge of 'politics' was constantly made. Thus a most insidious result was the now general refusal of good citizens to run for any office whatever. Government seemed destined to fall into the hands of either the mediocre or the dishonest. The former were apt to be used as unsuspecting tools; while the latter, though maintaining a semblance of efficiency, used their position as a means of personal profit. The 'honour office' of England was rare.<sup>1</sup>

In favour of these methods was at least their cohesiveness. But to maintain this a city had to pay the price of inefficient service on the part of large numbers who held jobs created mainly for patronage purposes. One enemy could do a political organization more harm than many friends could do good, and hence an employee was seldom discharged.

The sordid story of the last thirty years of the nineteenth century in New York City politics is illuminating. There the administration tended to be of the opposite political party from the one in power in the state government, and hence was a fit subject for frequent and thorough investigations. In the reports of these committees can be found perhaps the most graphic story of systematic

<sup>1</sup> Some exceptions were Fall River, Mayor Davis (1873), who gave his salary to a children's home (Fenner, *Fall River*, p. 33); also Cincinnati, '70's (Wright, *Bossism in Cincinnati*, pp. 8 ff.), etc.

plunder of the public purse.<sup>1</sup> Except in isolated instances no one was really punished; not a dollar was recovered. And yet the ominous trail of Tammany politics winds in and out through these years with a consistency that at last palls one with its disgraceful details. Even vigorous mayors, like Hewitt, were flouted by careless or petty legislators who were only too prone to trade their votes for partisan or other advantage. Small wonder that they became discouraged, and that the heritage of these years has been a disgust at the thought of government and the almost complete annihilation of any conception of public service or civic pride on the part of municipal officials. There is little to be gained by a repetition of the details of fraud and waste, whereby loot was made the chief end of public office. Invisible government was in control. How firmly only the tale of the long and as yet incomplete battle to destroy it can show.

#### THE STRUGGLE FOR BETTER GOVERNMENT

§ 52. *Early efforts at reform.* Not until 1894 were these conditions in city government attacked in any adequate manner. However, the years prior to this date were not without valuable experiment. Reform in the '70's had been largely concerned with the financial stringency,<sup>2</sup> but had also endeavoured to deal with dishonesty. If the reformers seemed to centre too much on isolated problems, one must remember that a complete revolution has seldom been effected in city government. Yeoman service has been rendered by those who, having isolated one or two of the more apparent or serious abuses, have directed their attention toward them until they were remedied.

<sup>1</sup> *Senate Documents*, No. 79, 1876; No. 49, 1883; No. 57, 1884; No. 57, 1889; No. 80, 1891; Nos. 25, 29, 56, 1895. *Assembly Documents*, No. 68, 1877 (pp. 11, etc.), No. 122, 1874. Cf. also *Memorial History, N.Y. City*, vol. iii, pp. 544 ff.

<sup>2</sup> Cf. pp. 62-69.

This decade (i.e. 1870-1880) was indecisive in the evolution or quality of city government. The sinister forces were entrenching for future struggles. Size too was a factor that always operated to make the task of good government more difficult and the path of the exploiter more easy. The very growth of a city has in it something inexorable in its opposition to effort at reform. Speaking in the broadest of generalities, the quality of the government was at its worst until about 1873, when the occasional earlier efforts at improvements became general throughout the country. This wave of reform reached its crest about 1875, and the effectiveness of its effort was most marked a year later.<sup>1</sup> Not for many years after was city government again to attain even the very moderately high plane of this year. Thereafter the forces of reform began to grow indifferent. The results of their effort, on the whole, had been disappointing; and the country at large, with the returning prosperity, began to slacken its interest in things municipal.

One further hopeful sign was revealed during the early years. The feeling that the city governments were inadequate to deal with this functional growth not only brought the city into closer contact with the state advisory boards, but the state officials (and some of those in the cities) were beginning the policy of drawing upon the experience of other nations to aid in solving their problems. Visits to European countries, particularly by education officials, were not infrequent.<sup>2</sup> In the fields of health, parks, and police, the achievements of London or Paris were held up for emulation.<sup>3</sup> America was

<sup>1</sup> Cf. ch. xiii.

<sup>2</sup> e.g. Illinois (1872) Superintendent of Public Instruction (*Report*, 1871-2, p. 219); New Jersey (1877) (*ibid.* N.J. 1878). Cf. also N.J. Board of Health, *Report* 1877, p. 5.

The Commissioner of Metropolitan District of Boston visited Europe for problems of area in 1894 (*Report*, Commission 1896, p. 3).

<sup>3</sup> Cf. Address by E. S. Carr, *Industrial Education*, 1870 (Calif.), pp. 418-26. *Transac. Calif. Agric. Society*, 1870-1, examples of

beginning the policy of willingness to learn from others and to draw the best from each, that was later to mean much for the bettering of her cities.

Finally, for the first time, there were men who gave intelligent thought to the problem of city government. The state commissions of Governors Tilden and Hantranft were the most notable examples.<sup>1</sup> In the same connection occasional examples existed of interchange of municipal experience. By 1900 this interchange had become frequent.<sup>2</sup>

Germany and Russia; *Report of Superintendent of Public Instruction* (California), 1871-2, p. 92, holds up example of Prussia in compulsory education. *Report Calif. Board of Health*, 1878-9, pp. 94 ff., points to abattoir system of Paris. Commission to select parks for N.Y. City cited cities all over the world (*N.Y. Senate Doc., No. 26*, 1884). The Chicago Citizens Association, 1892, urged the general emulation of English cities in good government (*Report Chicago Citizens Assoc.*, 1892, p. 15). The short-lived Georgia Board of Health, 1874-7, frequently cited European experience (*Report Georgia Board of Health*, 1874-5, p. 103, etc.). Illinois Bureau of Labour Statistics studied European technical education and urged emulation (*Report* 1898-1900).

<sup>1</sup> *N.Y. Assembly Doc. No. 68*, 1877. 'Commission to Devise a Plan for the Government of Cities.'

Gov. Tilden outlined the four essential conditions of 'home rule' as follows:

- I. An organism on which the electorate can act efficiently and which it can control.
- II. Absence of disturbing and diverting elements or issues (i.e. the free popular will, with municipal elections separated from state elections).
- III. Protection against improper influences.
- IV. Effective responsibility of officials; amenable through the courts; states control through appeal of taxpayers, and not by legislative intervention.'

The commission assigned the following reasons for N.Y. City misgovernment:

1. Incompetent and unfaithful governing boards and officials.
2. Introduction of state and national politics into municipal affairs. 'There is no more just reason why the control of the public works of a great city should be lodged in the hands of a Democrat or a Republican than there is why an adherent of one or the other of the great parties should be made the superintendent of a business corporation.'
3. The assumption by the legislature of the direct control of local affairs (*N.Y. Assembly Doc. No. 68*, 1877, pp. 11 ff.).

<sup>2</sup> Early examples were the State Municipal Conventions of Iowa, 1877, 1884, etc. (Brigham, *Des Moines*, pp. 283, 299 f.). For

§ 53. *Civil service reform and bi-partisanship.* The decade of the '80's succeeded in establishing at least two principles in the civic mind that were later to be adopted by the cities generally—the responsible mayor (already considered) and civil service reform. Of the devices to secure better administration in its details, two attained the proportions of a national movement. One of these curiously enough—the bi-partisan board—was in its essence a confession of the failure of the party system. The crest of its popularity, never very great, was rapidly approaching by the end of the decade. The commonest results were deadlock or the removal of effective criticism.<sup>1</sup>

Among the successful boards of this type was the Board of Police and Fire Commissioners of Milwaukee (1885).<sup>2</sup> Closer analysis reveals the fact that this was probably due not so much to the bi-partisan feature as to the simultaneous introduction of civil service reform—the greater and more lasting movement of the decade. The evils of the spoils system do not need repeating at this point. Impelled by the dual desire to purify politics and to improve administration, a well defined tendency began on the part of various mayors and other civic thinkers to appoint the police and fire departments and often others as well on a merit basis—usually determined by examination. Many of these original attempts were imperfect; but they succeeded in establishing an administrative principle that was to grow in power until, by 1900, it had attained a considerable popular

American Society of Municipal Improvements, 1894, and League of American Municipalities, 1897, cf. *Annals*, xxv, March 1905, Symposium on Civic Organizations.

<sup>1</sup> Cf. *Encycl. of American Government*, art. 'Bi-Partisan'. e.g. smaller Ohio cities, cf. Orth, *Centralization in Ohio*, p. 17; Indiana State Police Boards (Rawles, *Centralizing Tendencies in Indiana*, p. 309); New Haven 1881 (Levermore, *New Haven*, in vol. iv, No. 10, Johns Hopkins University Studies).

<sup>2</sup> Larson, *Milwaukee*, var.

hold.<sup>1</sup> It did not extend to department heads as in England.

§ 54. *Disentangling.* One of the principal reasons, aside from its lessened severity, why the crisis and business depression of 1883-4 did not bring in their train a group of reform campaigns, was that the lesson of economy had been fairly well ingrained into the local fibre—even the boss feeling it policy to keep down the tax rate.<sup>2</sup> The real effort for reform dates from about 1894.<sup>3</sup> Stung at last by the realization that their cities were their 'conspicuous failure' in government, the American people finally set themselves resolutely to the task of emancipation. They were aroused by the very flagrancy of the abuses, and challenged by the magnitude and

<sup>1</sup> New York cities (over 50,000)—optional 1883, mandatory 1884; Milwaukee 1895, 1897; Seattle, Tacoma 1896 (cf. *Proceedings, Conference for Good City Government*, 1897, p. 58 f.). Illinois 1894-5—where carried by popular vote (cf. Waterman, *Chicago*, p. 117; *Annals*, vol. xxv, March 1905, p. 34; Sparling, *Chicago*, p. 87). For the good records of Richmond and Houston, cf. Nuckols, *Richmond*, pp. 16 ff.; Carroll, *Houston*, p. 85 (fair record). Gradual introduction in Providence during the '80's (Stokes, *Providence*, p. 309). For Massachusetts (adoptive 1884: state to pay expenses), where, due to number of cities adopting, state funds were exhausted and (1887) cities given the right to pay, cf. Whitten, *Administration in Massachusetts*, pp. 141 ff. The undermining of the New York law by the Black Act of 1897 aroused such a protest that the original law was restored in 1899 (cf. *Proceedings, Conference for Good City Government*, 1898, p. 111). Roosevelt was the leader of the fight for civil service reform. Civil service provisions were very prominent in the San Francisco charter of 1898 (*ibid.* 1899, p. 175). In Seattle, 1896, the newly elected mayor resigned in disgust at the number of office-seekers (Bagley, *Seattle*, p. 552).

<sup>2</sup> Cf. footnote 2, p. 133.

<sup>3</sup> Cf. Bibliography, p. 658.

The Proceedings of Conferences for Good City Government furnish an excellent general history beginning with 1894. Similarly, the annual reports of local 'reform' organizations are valuable. Note particularly those of the Chicago Citizens Association during the later '90's. For Seattle, cf. Bagley, *Seattle*, pp. 459 ff. For Baltimore, cf. Hall, *Baltimore*, pp. 291, etc. For Chicago, cf. Waterman, *Chicago*, pp. 112 ff. For Duluth, cf. Woodbridge and Pardee, *Duluth*, p. 443 f. For Toledo, cf. Crosby, *Golden Rule Jones*. Failures included Denver (King, *Denver*, pp. 215, etc.); Cincinnati (Goss, *Cincinnati*, var.); Philadelphia (*Reports of Municipal League*, var.).

complexity of the problems of growth. They were also stimulated by a higher standard of living to a desire for better service. The immediate occasion seems to have been closely connected with the hardships caused by the panic and depression of 1893 and the years immediately following. Undoubtedly the necessity for economy which this brought about did much—as in the similar instance of 1873—to turn attention from the hectic and usually successful pursuit of wealth to a re-examination of their institutions.

Five main lines of action may be distinguished in the struggle that followed. They centred around state interference, machine rule, inefficiency, corruption, and monopoly respectively. These were by no means always distinct, and were not mutually exclusive. More frequently they appear interwoven as issues of varying magnitude in a single campaign. Their internal connection was seldom clearly perceived, and the general practice was to concentrate the forces of reform upon the particular aspect that was the most prominent for the time being. Though the problem was so involved there was no disposition to compromise.

The struggle appears to have been a kind of disentangling, as now one, now another evil was specifically attacked, and the essential unity of the whole began to be manifest. This could be traced in the character of municipal thought, which changed from an attitude of protest to an attitude of analysis as the complexity began to appear. The struggle, like that of the '70's, began by attacking supposedly isolated problems, believing the solution for good government a simple one. Unlike the '70's, however, the struggle for betterment was not discouraged by the meagre or temporary achievements, but continued its working, searching diligently for reasons why its previous efforts had not succeeded more fully.

§ 55. *The fight for 'home rule'.* The efforts at reform



were largely local in origin. Thus the recurrence of the battle for home rule was inevitable, since here the interests of the 'machine' and of the reformer tended to be more parallel than was usually the case. State muddling and disregard of city interests had by this time become so apparent that popular support could usually be counted on by any local political party that would undertake to fight state interference. This held true even though the real motive of the leaders of the party might have been to remove one of the checks to their own control or exploitation. 'Home rule for cities' became a rallying cry. A very definite remedy was now suggested in the shape of a grant to a city of the right to frame its own charter. The need of such a solution was not as yet apparent in England, due to the simple lines of the general Act. By the end of the decade, either by constitution or law, several states had granted this right—some only to their largest city.<sup>1</sup> Many cities were quick to take advantage of the right.<sup>2</sup> The methods of framing were varied, and often led to constitutional difficulties;<sup>3</sup> but the revolt of the cities was wholesome in its reaction, even in the states that had not yet granted complete home rule.

New York, in 1894, tried another solution. A constitutional provision was adopted whereby any special legislation must be submitted to the mayor of the city in question. Should he veto it, it must be re-passed by the legislature before becoming a law.

<sup>1</sup> Cf. p. 74, also footnote 3.

For Louisiana, cf. Patton, *Home Rule in Iowa*, p. 20. In 1898 cities were given the power to propose amendments to their own charters through the mayor and aldermen. If not protested by one-tenth of votes the Governor (advised by the Attorney-General) approves them. If protested, approval must be withheld till passed by majority of voters.

<sup>2</sup> St. Paul, Minn. 1897; Tacoma, Wash. 1890; Seattle, Wash. 1890, 1896.

<sup>3</sup> Cf. McBain, *Law and Practice of Municipal Home Rule*, a most comprehensive and illuminating study.

One of the most vital factors in bringing about an ultimate victory was the realization on the part of the state legislatures of the better class of how much the time spent in special legislation was interfering with the matters of wider interest.<sup>1</sup> The general advance of enlightenment could not but undermine practices that were so manifestly harmful.

§ 56. *Reform and 'machine rule'*. The second great cry of the age was 'reform'. It was a product of much the same motives that brought the vigorous unfolding of functions. Thus it is not surprising that it was attended with a marked initial success. Universal education of increasingly good quality had been the law of the land for more than a generation. The systematic exploitation of vast material resources had made the need, not one for employment but for men; and had brought with it a steady bidding up of the labour market with a higher standard of living. Thus a background of intelligence was present, and the psychology was such as might immediately precede a great religious revival. The reaction from materialism came with the business crisis of 1893. The nation finally gave attention to its city governments. In the task of reform it could count on an element of civic patriotism aroused by the very magnitude of the task. The revulsion of feeling on the part of the more enlightened; the realization of the stigma of corruption, inefficiency, lawlessness, and partisanship in their manifold forms, came suddenly and effectively. If the problem could have been solved by voting 'for or against good government, with all it meant', probably every city would have chosen the better type by 1896 at the latest.<sup>2</sup> Under the simple English framework this is probably what would have happened. But it was not so easy in

<sup>1</sup> For Michigan, cf. Utley and Cutcheon, *Michigan as a Province*, p. 218.

<sup>2</sup> Excepting perhaps Philadelphia, Cincinnati, St. Louis (cf. Steffens, *Shame of the Cities*).

America. Issues were camouflaged;<sup>1</sup> leaders proved faithless or susceptible to the sinister interests; special interests brought pressure to bear in countless ways; framework of government was antiquated or clumsy; the primaries were almost beyond popular control; there was little attraction or distinction in municipal office. In spite of the substantial accomplishments of the initial years, by the end of the decade the utterances of the civic leaders had assumed a more cautious and baffled tone.<sup>2</sup> To their credit be it said that, as a whole, the determination of the forces of reform did not slacken when the real complexity and difficulty were revealed.

Previous to 1894, there had been some forty reform organizations of one sort or another. Virtually all save that of Chicago maintained a precarious and sporadic existence.<sup>3</sup> In January 1894, the first National Conference for Good City Government was held in Philadelphia. In May of the same year, its outgrowth, the National Municipal League, was organized with sixteen affiliated organizations. By the end of 1895 there were no less than 180 local organizations. These were significantly the most vigorous in the Middle Atlantic States, where government was the worst and the problem most complex. New York and New Jersey alone had 56 such societies. Some 80 or 90 more societies were formed in 1896, and reform attained the proportion of a national movement. In addition to these societies, formed specifically for municipal betterment, other voluntary organizations (notably the Chambers of Commerce) took up this work in connection with their other activities.<sup>4</sup>

<sup>1</sup> e.g. the discussion that followed the revelations in 1884 of the New York City Public Works Department scandals degenerated into a mere political quarrel (*N.Y. Senate Doc. No. 57, 1884*).

<sup>2</sup> Cf. *Proceedings, Conference for Good City Government, 1900*, 'Review of Year', by C. R. Woodruff.

<sup>3</sup> Data in this paragraph taken from the *Proceedings of Conferences for Good City Government, 1894-1900*.

<sup>4</sup> For Iowa, cf. Brigham, *Des Moines*, p. 34.

'Reform' was also much more frequently seized upon by party leaders as their campaign cry. Many of these efforts were genuine. Even bosses the most corrupt and deeply entrenched began to feel it necessary to nominate a higher type of men and give better service—at least till reform 'blew over'.

This it undoubtedly seemed to do in many cases, even before 1900. Yet the subsequent administrations seldom dared continue as bad as formerly, with the memory of the higher standard of their predecessors in the public mind. But with reference, not to the individual case, but to the sum total and average of the cities; reform was not only initially successful: it was cumulative and advancing.

The fundamental elements in reform effort seldom change greatly from decade to decade. There are present civic patriotism, desire for economy, or a search for better service in almost every such movement. The great difference between 1892 and 1896 was the intensifying of these old elements. The civic patriotism of the days before the decay of city government, when, like England, office-holding was a duty and a privilege, and when men talked of the dignity of public service, perhaps has gone for ever from American life. It has gone together with the tradition of a governing class, whence came so much of its original impulse.<sup>1</sup> The re-birth of civic patriotism marked a change in character to a fighting, dynamic type, careless of dignity. One wonders, in view of recent similar tendencies in England whether in the psychology of democracy this is perhaps not necessarily so.<sup>2</sup> Intensity meant more determination as well, and more constancy of purpose than ever before. Better yet, reform was more thoughtful. It tended to seek causes and to develop programmes.

<sup>1</sup> Possible exceptions were Cambridge—'Public Service a Public Trust', or the 'Cambridge idea', established by Mayor Russell; Richmond (Nuckols, *Richmond*, p. 137).

<sup>2</sup> Cf. p. 345.

§ 57. *The attack on corruption.* Any consideration of the methods used by the forces of reform is inextricably woven with a close understanding, not only of the framework of government, but also of the local functioning of the party system. All efforts not only must follow constitutional lines, but must also reckon with the difficult and uncertain factor of human nature in its group manifestations of party, clique, or corporation.

The possible plans of campaign were varied, but tended to certain main types. The simplest plan was to support at election a party or candidate whose record after scrutiny seemed satisfactory.<sup>1</sup> More fundamental a method was to contest the primaries with a slate of reform candidates—i.e. to 'capture the party'.<sup>2</sup> Perhaps the most valuable contribution of efforts of this type was to lay bare the particular devices by which the boss maintained himself in power, thus opening up many avenues of reform. The independent or third party was a favourite device, but neither permanently nor usually successful.<sup>3</sup> Co-operation with or criticism of the government in power took many forms; extending from the voluntary search on the part of city officials (like Mayor McKisson of Cleveland, or Quincy of Boston) for citizens to aid in consideration of municipal problems, to court prosecution of city officials for malfeasance in office.<sup>4</sup>

<sup>1</sup> e.g. Baltimore, where reformers changed to this method in 1889 (Hall, *Baltimore*, pp. 244, 273); Philadelphia in 1881 (Vickers, *Committee of 100*, p. 231); Providence, Buffalo, etc., in *Proceedings, Conference for Good City Government*, 1897, pp. 47 ff.

<sup>2</sup> More prominent in twentieth century, cf. p. 279.

<sup>3</sup> e.g. for Baltimore, cf. Hall, *Baltimore*, pp. 243-273. Failure in Cincinnati, Wright, *Bossism in Cincinnati*, p. 15 f. For Duluth, 1890, cf. Woodbridge and Pardee, *Duluth*, p. 442. An exceptional success was that of Seth Low in Brooklyn, 1881.

<sup>4</sup> Cf. *Proceedings, Conference for Good City Government*, 1897, p. 46; *Annual Report, Cleveland*, pp. xxxviii ff. There were numerous organizations, called 'Civic Clubs', etc., which often did not take part in election campaigns, but which were vigilant concerning municipal affairs. They were constantly criticizing, and offering constructive suggestions.

The most obvious, if not the most pressing of the main aspects of the struggle, was that against corruption. 'Police graft' was the most widespread form of this. It often existed with the tacit approval of the higher executives. The low tone of public morality, the general feeling that all public officials were 'in the game for what they could get out of it', the laws regulating personal conduct in advance of the practice of a considerable percentage of the community, the relatively small legitimate compensation, all presented a psychological situation that led many policemen to take regular toll from the interests involved for protection or non-enforcement. The battle against such an evil was peculiarly difficult, and was attended by little success. Civil service laws—in the few cities that had them—did something in so far as they brought a better grade of men, and put the service somewhat outside the pale of political pressure. This latter was more in theory than in practice. Even though his job was safe, matters could be made very unpleasant for a policeman who refused to do the bidding of his superior to protect a politically or financially valuable law-breaker. There was the further difficulty that the tenure of the department head was not secure—a particularly demoralizing situation in this function.

The bribes of the special interests, the corruption of the basest sort, are so much a part of the battle against monopoly that only their connection with the efforts against corruption can be noted. In graft of this type so many of the 'best citizens' were involved that fear of hurt to personal business served to keep still others from public protest. It was as though a whole city was feeding on itself.

§ 58. *The attack on partisanship.* Inextricably involved with corruption was found the next major aspect of the difficulty—partisanship. Its greatest toll was not through dishonesty, but through inefficiency. The mediocre character of the typical political appointee, the

loitering at work, the unnecessary multiplication of places for the spoils, the constant changes in the personnel with the changes in political fortune (changes of the partly experienced for the totally inexperienced), work poorly done or neglected, friction, declining of responsibility; all of these made the governing of many cities an outrage upon the common sense of the electorate. The efforts of reformers were rightly directed at simplification of charters, civil service reform, or longer terms of office.<sup>1</sup> All these were necessary accompaniments; but more fundamental were the struggle for independence in city government and the disassociation of the local struggles from the national.<sup>2</sup>

The nullification of civil service laws, making difficult the process of nominating independent candidates,<sup>3</sup> hindering effective participation in primaries, invoking the aid of partisan state legislatures, introducing national issues, decentralizing the government through the long ballot and the ward election, were all tricks of partisanship to block reform.

The greatest blows dealt at the evils of partisanship were those designed to render the will of the people more effective, especially in the matter of ballot and primary reform. There is a measure of justification in the experience of the English cities for the theory that the evil was not partisanship as such, but partisanship under conditions of irresponsibility and debauched civic sense.

<sup>1</sup> An ordinance of Boston, 1892, forbade its employees membership on any political committee (Mathews, *Boston*, p. 119).

<sup>2</sup> Cf. efforts of Garfield in Cleveland, 1896. He was largely responsible for the formation of the Municipal Association, which concentrated on the development of independent voting (*Annals*, vol. xxv, March 1905, p. 186). Mayor Mathews of Boston, a Democrat, retained eighteen out of the twenty-seven salaried department heads who were Republicans (Mathews, *Boston*, p. 120).

<sup>3</sup> e.g. Dana Law, Ohio, 1896, made it unlawful for a candidate's name to appear on more than one ticket. Hence the Independents in Cincinnati either were forced to divide between the old parties, or run a third candidate (Goss, *Cincinnati*, p. 269).

The belief that secrecy in voting tended to minimize the power of the bosses or any outside pressure, had already led to the introduction of the Australian (or secret) ballot in several states and cities; so that it remained for the reform movement to make this more general and to provide proper safeguards. The development in this matter was so uneven and irregular as between states, or even between cities in the same state, that generalizations are extremely difficult. It may safely be said that the earlier laws aiming at corrupt practices, however strong their intentions, were poorly drafted; and experience forced constant amendments to close the loopholes.<sup>1</sup>

A similar progress took place in primary reform.<sup>2</sup> The party had been brought into the sphere of regulatory action somewhat earlier. Such incorporation as part of the framework of democracy had not been necessary in England. The general tendency was first to prescribe the form for internal organization, and later to prescribe the qualifications for party membership. Whether these laws were optional, and hence under party control, or mandatory; the problems to be solved were at least crystallized. These involved matters such as the test of party allegiance, similarity of administration to that of the general election, public or private expense of conducting the primaries, method of preventing corrupt practices.

There was increasing appreciation of the aid to machine domination that the old system rendered. Thus the mandatory primary law became more usual, and was often very comprehensive in the larger cities. The test of party membership remained the great difficulty.<sup>3</sup> In

<sup>1</sup> Cf. article, 'Corrupt Practices Act', *Encycl. of American Government*, vol. i, p. 480. For Oregon Registration Law, 1899, cf. Eaton, *The Oregon System*, p. 13.

<sup>2</sup> Cf. Merriam, 'Primary Elections'; Deming, 'Municipal Nomination Reform', in *Annals*, xxv, March 1905; which are quite largely followed here.

<sup>3</sup> Under California Law of 1899 a voter might take part in the primary of either party.



the later laws this became a matter for government and party determination. There was a definite trend toward adopting methods of election, even to prescribing penalties for corrupt practices and holding the primary at public expense. Each and all of these were phases of the new democracy's battle against partisanship.<sup>1</sup>

§ 59. *The attack on special privilege.* The third major channel taken by the current reform was another manifestation of this new democratic spirit. Political democracy was to be used as a means of fighting the encroachments of the monopoly of privilege. There has been nothing in England to parallel this struggle. City government entered a new phase with the advent of Pingree as mayor of Detroit.<sup>2</sup> This was in part because it brought to a climax the personality element in city government, but more because Pingree's battle was the forerunner of the struggle against vested interests, which from his day on made such an absorbing part of the story of American city government. The man himself as mayor of Detroit (1890-96) and as governor of Michigan (1896-1900) not only was the great figure in his state, but he also did much to inspire men engaged in similar battles elsewhere. Among these was Tom L. Johnson of Cleveland (called by Howe, 'America's greatest mayor').<sup>3</sup> Pingree was always fighting privilege—the 'octopus' as he called it; and seeking to get rid of the bosses. Though a wealthy man, elected by business men to give a business administration, he soon began his fight against the utilities. The immediate occasion was a strike of the traction employees, at which time he harangued the strikers, endorsing their

<sup>1</sup> 'Direct' primaries were the subject of a limited agitation. Pingree endeavoured to secure their introduction in Michigan (Utley and Cutcheon, *Michigan as a Province*, pp. 232 ff.). Kansas City, Missouri (in 1894), was using a form of direct primary, which was resulting in as high as 60 per cent. of the voters of a party participating. For detailed description, cf. p. 279 and footnote 4 below.

<sup>2</sup> For the story, cf. Utley and Cutcheon, *Michigan as a Province*, pp. 227 ff.; *Compendium of History of Detroit*, pp. 130, 344 ff.

<sup>3</sup> Cf. p. 281.

conduct. The company capitulated, but Pingree kept up the fight. He sought to reduce fares, improve service, limit franchises, and in every way safeguard the people against what had been a predatory and perhaps a corrupting influence. The corporate interests enlisted the state legislature, seeking to obstruct the administration of city affairs. Hostile newspapers connived at this attempt to throttle home rule, but such was the mayor's popularity that he was elected governor in 1896. His programme there was no less enlightened and far-reaching, and (for the times) revolutionary. He worked for direct primaries, for corporation taxation, for regulation of the rates of public utilities. But the legislature was hostile, and nothing was accomplished in the state as a whole, save the sowing of the seed.

Pingree was but the first of many leaders of the new and critical democracy in local government. He was followed even before the twentieth century by men with varying motives and varying success who fought the same battle.<sup>1</sup> These men provided leadership for the growing popular resentment against 'franchise grabbing' and privilege. The earlier leaders had played their part in arousing and educating the public. Yet the continuance of the Massachusetts Gas and Electric Light Commission foreshadowed more truly the subsequent course of the struggle.<sup>2</sup> As in England, the conviction was gradually being forced upon the more thoughtful that public utilities were essentially unsuited for competition, but rather for regulated monopoly. The municipal ownership movement in America came to be connected with this battle against monopoly.

<sup>1</sup> e.g. Jones (Toledo), cf. Crosby, *Golden Rule Jones*, for one of the most interesting stories in American municipal history; McKisson, Rose (Cleveland) (*Cleveland Annual Report*, 1898, pp. ix ff., xxxviii ff.; Avery, *Cleveland*, pp. 281, 316 ff.); MacMurray (Denver) in King, *Denver*, var. For the campaign of John Harlan in Chicago, 1898, cf. Steffens, *Shame of the Cities*, p. 252. Anti-monopoly influence was prominent in the San Francisco Charter of 1898 (Patton, *Home Rule in Iowa*, p. 48).

<sup>2</sup> Cf. p. 261.

## DAWN OF A MUNICIPAL SCIENCE

§ 60. *The municipal issue.* These were the chief elements and methods of the democratic reform wave. It is in struggles such as these that the underlying forces are revealed that are governing the life of the community. Out of the process must come some programme or philosophy. Thus the last part of the period's study remains—the synthesis of its thought.

The reform or economy movement of the '70's had lost much of its effect through failure to attack or greatly to change the fundamental defects in the city charters or electoral machinery. There would have been danger of a similar set-back to that of the '80's had not reform been more fundamental than a mere temporary change of the personnel of the administrators. There was a psychological change as well, which has been analyzed. But even such a psychological change would not have been enough, had it not left concrete manifestations in the actual framework of city government.

The old issue of 'economy v. extravagance' continued to be present as essentially a liberal-conservative cleavage.<sup>1</sup> But this had so frequently been obscured and disregarded that party lines, party organization, and party cries were much more powerful. One of the most important results of the reform-corruption battle was the definite creation of the distinctly municipal issue. From this time on, the American cities more and more part company in this respect with most of the cities of England except London. Perhaps this may be attributed to the greater abuses in America, or to the lack of a popularly elected executive (such as the American mayor) in England, as much as to greater popular interest.

Aside from the issues involving economy and policy toward public utilities, others attained an hitherto unknown municipal importance. These were questions of

<sup>1</sup> e.g. Denver (King, *Denver*, pp. 178, etc.).

law enforcement, high liquor licence, home rule charters, or municipal ownership.<sup>1</sup> An increasing number of cities strove to separate municipal elections from state and national, either holding them in 'off' years, or at a different season of the same year. The result of all this—or, more strictly speaking, the element that made it possible—was the steadily growing group of independents, men feeling the local issues very keenly, and realizing from common sense that the tariff question had nothing to do with Sunday closing of saloons or other purely local questions. These men in 1899 elected Jones in Toledo, Harrison in Chicago, Hayes in Baltimore—all on local issues.

Matters such as these were symptomatic of the deepening of the critical faculty in dealing with city affairs. The reform battle succeeded, not in cleansing and revolutionizing all known abuses, but in creating as one of its greatest products a changed attitude of mind toward the city. Part of this was reflected in the municipal issue; but the change was larger than this. It represented the intensive application of thought to municipal problems on the part of a spiritually powerful (if not numerically predominant) section of many a community. To their credit this attitude extended to many state legislatures also.<sup>2</sup>

§ 61. *Municipal programmes.* Issues make for thought, and thought makes for a programme by grouping the issues. Thus for almost the first time in American city government, plans appeared for comprehensive and statesmanlike progress. These included both statutory and administrative proposals. Most of

<sup>1</sup> Some good examples were Indianapolis—law enforcement (Dunn, *Indianapolis*, pp. 420 ff.) ; Memphis—law enforcement, and municipal ownership (Young, *Memphis*, pp. 231, 238 f., 252 f.) ; Georgia cities—high licence (*Proceedings, Conference for Good City Government*, 1896, pp. 117 ff.) ; Spokane—law enforcement—characteristic issue in Western cities (Durham, *Spokane*, p. 438 f.).

<sup>2</sup> The first lectureship in Municipal Government was established at the Univ. of Penn. in 1894. Prof. L. S. Rowe was the first incumbent.

them showed marked acumen. Though the individual proposals were by no means uniformly endorsed by subsequent experience, the group as a whole represented a programme that struck a new high note in its comprehensiveness.<sup>1</sup>

The principles underlying the Baltimore charter of 1898 were summed up in nine main heads, incorporating the best of current thought. Many of them represented principles already attained in England. These were:

' 1. Association of related branches of municipal service into single departments.

' 2. Concentration of powers of appointment and removal in the hands of the mayor, with location of definite responsibility upon all public officials. (The actual charter still kept confirmation of the mayor's appointments by the upper house of the council.)

' 3. Minority representation on all department boards.

<sup>1</sup> In addition to the ones cited in full the following deserve mention :

(a) ' Fassett Committee ', N.Y. State, 1891, gave the four principal evils as :

I. Over-legislation and too frequent yielding to local authorities.

II. Absence of a general law.

III. Absence of standardized information.

IV. City politics subordinate to state and nation (*N.Y. Senate Doc. No. 80*, 1891, p. 9 f.).

(b) Tacoma Citizens Association, 1890, and Citizens Mass Meeting, 1890: local self-government, bonding for public improvements, district local option, municipal ownership of water works, opposition to exclusive street railroad franchise, hours of labour for municipal employees as in general government, initiative, referendum, and recall, free administration of justice. (Hunt, *Tacoma*, pp. 10, 23 ff.)

(c) Programme of Mayor Pingree, Detroit, 1895: responsible mayor, election of aldermen at large, purchasing agent, civil service reform, civil service for jurors, independent audit, increase of bond limit to 4 per cent., taxation of all but municipal property, free unmetered water, smaller school board, new primary law, vehicle tax for paving. (Wilcox, *Municipal Government in Michigan and Ohio*, pp. 120 ff.)

For earlier programmes, cf. p. 25.

Even the ' separation of powers ' was occasionally questioned. e.g. Dallas, 1893 (Lindsley, *Dallas*, p. 213).

' 4. Separation of municipal from state and federal elections.

' 5. Appointment of experts in all departments requiring professional knowledge and skill.

' 6. Grant of public franchises to the highest bidder, subject to municipal regulation and control.

' 7. Check upon municipal expenditures and prevention of floating indebtedness.

' 8. Removal of public school system from all possible political influence.

' 9. Public supervision of the indigent sick and poor while subjects of municipal aid.'<sup>1</sup>

The constitution and programme of the National Municipal League were in a similar strain :

(Purpose.)

' First :—To multiply the numbers, harmonize the methods, and combine the forces of all who realize that it is only by united action and organization that good citizens can secure the adoption of good laws and the selection of men of trained ability and proved integrity for all municipal positions, or prevent the success of incompetent or corrupt candidates for public office.

' Second :—To promote the thorough investigation and discussion of the conditions and details of civic administration, and of the methods for selecting and appointing officials in American cities, and of laws and ordinances relating to such subjects.

' Third :—To provide for such meetings and conferences and for the preparation and circulation of such addresses and other literature as may seem likely to advance the cause of Good City Government.'<sup>2</sup>

(Programme—by 1898.)

Included :—the ' Federal Plan ' charter, short ballot, wide measure of home rule, exemption from debt-limits

<sup>1</sup> Quoted in Hollander, *Financial History of Baltimore*, p. 358. Cf. also Hall, *Baltimore*, pp. 304 ff.

<sup>2</sup> Cf. *Proceedings, Conference for Good City Government*, 1896.

of remunerative public works, establishment of minor courts, limited period for franchises, four-fifths vote of council for alienation of city property, uniform book-keeping, personal registration, secret ballot, city elections separate from state and national, merit system (i.e. civil service reform), election of council at large with principle of continuity (one-third every two years for a six-year term, or some similar plan), audit of accounts by state.<sup>1</sup>

In these concrete proposals can be seen the crystallization of the broader and more inclusive 'grand divisions' of the municipal problem. The courses of the major reforms dealing with state interference, partisanship, corruption, irresponsibility, and privilege expressed themselves in statutory remedies. Each indecisive or incomplete battle, while it left little accomplished, often indicated the future line of attack. Thus only could experience be turned into a real laboratory for the perfection of the machinery of good government. To do this, local variety and local freedom were essential.

§ 62. *Achievements of the period.* How far were these programmes accomplished? It should be distinctly understood that these represented, as it were, not the 'entrenched positions' of good government, but rather the farthest advance of its 'skirmish lines'. The actual city charters under which the citizens were living formed a better index of the state of mind of the average man than did the ideals of the reformers.

Many of the old charters remained. This reflected the fact that the strength of conservatism, reaction, and worse, was greater in some cities than in others. Even the best of the new charters, such as the Baltimore charter of 1898, often kept vestiges of the old order, such as the bicameral council.

As in England, the independent board system was unquestionably passing. All save the *ad hoc* school

<sup>1</sup>Cf. *Proceedings, Conference for Good City Government, 1898.*

board tended to be brought under the mayor's control.<sup>1</sup> The force of public opinion had been fairly successful in securing its will with respect to the schools. Hence the desire to keep the educational system free from the pettiness of political administration<sup>2</sup> and in the hands of specialists made this the only branch of city government showing increased independent authority.

Aside from its manifest relationship to the movements against state and partisan tinkering, the decline of the boards was part of the prevailing tendency (noted in England also) toward combination and simplification. In America this was later carried to its extreme form in commission government. In this connection there persistently appeared a local administrative board with powers wider than over a single function or even over a group of related functions.<sup>3</sup> This was variously known as the 'Board of City Affairs', the Administrators, etc. At times it seemed to represent more than a mere partisan device. One would hesitate to read into it a well-thought-out commission government philosophy, but the instinct back of it was akin—a desire for concentration of responsibility, more than would be furnished by distinct boards, even when appointed by the mayor.

The principle of home rule was restoring to the locality such services as had been under state boards, and was the aim of those that were fighting against the constant charter tinkering by the state legislatures for partisan purposes. The home rule movement had had

<sup>1</sup> Cf. p. 313; also Rollins, *School Administration*; Symposium on local school administration, in *Annals*, vol. xxv, Jan. 1905.

<sup>2</sup> Instances of this occurred in Philadelphia (where the teachers were compelled to give a percentage of their pay to the party machine), Baltimore (till 1898), Milwaukee, etc.

<sup>3</sup> e.g. Youngstown, Akron—four commissioners appointed by the mayor and probate judge; Hagerstown 1884—Street Commissioners; Nashville 1883—Board of Public Works and Affairs, consisting of three members, elected each year by council, in charge of water, police, fire, charities, public works, streets, etc. (Wooldridge, *Nashville*, p. 151).



successes in securing the passage of general laws as well as examples of charter-framing by the city itself. The theory of the written constitution had been responsible for the insertion of a number of stipulations prohibiting extravagant finance; but it was also partly responsible for the too dormant character of public opinion, in so far as it led the people to trust in laws rather than in their own watchfulness.

Most interesting was the continued clinging to the belief in checks and balances—which might be termed ‘government by distrust’. It is significant that the first charter of the period which unmistakably represented the popular will of those concerned (the 1876 charter of St. Louis, framed under the home rule provisions of the Missouri Constitution) went the farthest in incorporating those checks. It was the crystallization of all the suspicions that centred about city governments and their officials, as the result of the long series of extravagant, corrupt, and incapable administration following the Civil War.<sup>1</sup>

The later home rule charters (those framed by a locally elected commission, and ratified by referendum) were not

<sup>1</sup> The charter provided bicameral council (‘assembly’); Mayor’s veto; full financial powers vested in assembly, but limited to one year in appropriations; assembly has ordinance power and may remove any elected official by two-thirds vote. Elected officials: (1) Mayor, appoints (at beginning of third year of term, for four years, subject to approval of council) the following: city counsellor and assistants, ten district assessors, and nine department heads: confirms appointments of subordinates and may remove any ‘for cause’. (2) Comptroller, (3) auditor, (4) treasurer, (5) register, (6) inspector of weights and measures, (7) marshal, (8) president, Board of Public Improvements, (9) president, Board of Assessors, (10)-(15) (county officials) collector, recorder of deeds, sheriff, coroner, public administrator, licence collector. The Board of Public Improvements has executive and administrative powers. Its president has general supervision over the departments. It originates all ordinances for public works and improvements, which the assembly must either accept or reject entire. Separate sinking fund compulsory; no salary over \$5,000; debt limits. Board of Equalization made up of president of Board of Assessors and four members appointed by the judges of the circuit court. Police under state control, though the mayor is *ex officio* a member of the commission. (Cf. Snow, *St. Louis*, p. 18 f.; Snow, *Missouri*, p. 97 f.)

as yet sufficient in number to furnish a basis for generalization. They seemed as contradictory as the rest, and in this doubtless evidenced the varying strength of the partisan forces of the respective cities. Toward the end of the period, the reform wave had evidently been sufficiently popularized to affect the new and radical home rule charters of San Francisco and Seattle.

Ultimately a charter is but a mode of thought expression. If it is confused, then the thinking must also have been confused. But the people wanted responsibility, and they were getting it in the 'strong mayor'. They demanded assurance that their opinion would be honestly registered; and this was at the root of ballot and primary reform. The movement for the better safeguarding of city privileges brought stricter franchise clauses. Sounder financial provisions were a factor in more honest government. Charter changes were frequent, but so were the changes in popular sentiment. Experiments and anomalies were more numerous than ever, but this only mirrored the freshness of thought—or its despair.<sup>1</sup> Variety and similarity alike were purely voluntary; and the shades of thought, the local traditions, the retrogression, stagnation, and progress were alike reflected in the confusing but interesting group of statutes making up the charters of the American city. The English system offered no such prolific material for study.

The decade of the '90's was a true renaissance, a rebirth of the old democracy working in new channels. Municipal government, as a result, entered its second phase; leaving the period of virtual drifting for that of combative, thoughtful progress. It is with interest that one notes a similar tendency developing about the same time in England—the subsequent course of which was to be quite different.

<sup>1</sup> Yet at least Springfield, Mass., declined to experiment (*Proceedings, Conference for Good City Government*, 1896, p. 109). Similarly, cf. Providence, in Field, *Rhode Island*, vol. iii, p. 83.

## IV

### BRITISH CITIES

#### 1870-1900

*The inherent difficulties of Parliamentary control of city government are interference of rural interests, domination of the functional concept, subordination of the localities to the exigencies of central finance—Local self-government makes good use of its new opportunities, though there is a tendency to rely on central aid—Reasons for this—Attention is directed to local government—Crises in framework and finance are met—1888, and its lost opportunity of an adequate solution—In the early '90's, local self-government responds to the unusual opportunities offered through greater powers, more adequate resources, and better areas and boundaries—By the close of the century the blighting effects of the rating system again appear—The class lines and the lack of education determine that humanitarianism shall assume a paternal aspect.*

#### THE PERIOD

§ 1. *Economic and political factors.* The last thirty years of the nineteenth century witnessed the struggle of an inherently vigorous self-government with a number of extraneous factors which hampered its natural development. These extraneous factors—particularly where they represented an economic interest—were often centred in Parliament, and thus to a considerable extent were beyond the control of the locality.

The Reform Act of 1867 showed the steady growth of democratic sentiment in political matters. It brought with it a series of changes which were almost as decisive in the development of city government as were those

which followed the Act of 1832.<sup>1</sup> Like its predecessor, the Act was framed in caution, and was typical of the slow but sure growth which British democracy constantly followed during the nineteenth century. This differed from the struggle in America for self-mastery, which had been the inevitable outcome of somewhat premature universal male suffrage.

The Reform Act of 1884 also was the occasion for a release of a considerable amount of political energy. The years 1888-94 were marked by a degree of attention to local government problems that was paralleled only in 1834-5. In the years following the 1867 Act the *functions* of local government were the subject of legislation. The legislation which followed the 1884 Act was concerned more directly with local government itself. This had reached a more or less chaotic state through this earlier increase in functions without assimilation by proper machinery or adequate financing.

Economic influences continued to play a less evident though not less powerful part than in the United States. The periodic depressions in business were not marked by the intensity that followed the periods of hectic expansion and inflation in America. Accordingly their effect on city government was less noticeable, and consisted chiefly in mild waves of economy.

A more constant factor in the statutes affecting city government was the power of landed property. Its interests had so long been vested and had acquired such extreme respect, that in the thought of the time there was a measure of justification for its plea that additional local taxation caused by the expansion of local functions constituted an unfair burden. This was aggravated in the case of the 'country party' by the intermittent depression in agriculture resulting from the loss of protection and the rapid westward expansion of American farming.

<sup>1</sup> This phase of local government history is well brought out in Redlich, *Local Government*, vol. i.

Thus the aspect of 'country v. city' could be traced in debates on many legislative measures. This was especially true of those in which the opinion was incorporated that personalty (as represented by the city taxpayer) should pay a share of local government expense.<sup>1</sup> Of a similar economic nature was the struggle of 'owner v. occupier', which cropped out chiefly in the perplexing question of the incidence of local rates.<sup>2</sup>

§ 2. *Democracy v. privilege.* There were instances of democratic feeling in England in the early part of the period,<sup>3</sup> but not till the '90's did a genuine similarity of underlying motive in the two countries become marked.<sup>4</sup> In that decade in both there emerged a new type of democracy, questioning the old order, and directing its efforts against privilege. Economic motives continued strong; but in both countries were tempered by altruism. A contrast may be noted that, while in the United States both state and city governments tended to yield to the pressure of special economic interests, in the United Kingdom, for the most part, such pressure was successful only upon Parliament. At the same time the period was so permeated by strong humanitarian motives, that Parliament also sought to ensure at least a minimum of well-being and comfort for all.

In both countries privilege yielded but slowly. In America the struggle between privilege and democracy assumed the aspect of a battle, but in England it came rather as a process of mitigation through the traditional English habit of compromise. The English educational

<sup>1</sup> e.g. *Hans.* (1872), vol. 210, pp. 1331-53. 'It is expedient to remedy the injustice of imposing taxation for national objects on one description of property only.' (The resolution of Sir Massey Lopez and elaborated in 1872.)

<sup>2</sup> Particularly prominent in the '70's. e.g. *Hans.* (1870), vol. 199, pp. 647 ff. (Mr. Goschen's motion for an inquiry).

<sup>3</sup> The Land Tenure Reform Association dates from 1870.

<sup>4</sup> Note how in 1893 public opinion forced the restoration of the referendum upon burgh formation abolished in 1892 (Atkinson, *Local Government in Scotland*, p. 79).

system was built upon caste; and unlike America (also unlike Scotland and Wales) there was no attempt by Parliament to make ordinary secondary education available to the masses.

With such a social outlook, the solicitude for private property yielded grudgingly. Instances of the strength of the property interests centred largely around changes in the rating system and powers of land acquisition.<sup>1</sup> A long step toward virtual political democracy in the towns was achieved by abolishing the plural vote for the boards of guardians in 1894;<sup>2</sup> and, in the same year, by constituting both county and parliamentary franchises as the basis for the newly-constituted urban district councils.<sup>3</sup> The endowment of a wide franchise, coupled with the tradition of public service, early led the towns to a consistent effort to better the lot of *all* their inhabitants. Once this path was entered, it led to determined resistance against any form of popular exploitation. Parliament, and particularly the House of Lords, thus often appeared as conservators of the old order of vested interest;<sup>4</sup> and a drag rather than a stimulus to the evolution

<sup>1</sup> Cf. pp. 209, 214.

<sup>2</sup> Local Government Act, 1894 (56-57 Vict., c. 73, s. 2 (1)).

<sup>3</sup> Cf. Mackay, *History of the English Poor Law*, vol. iii, p. 582 f., for note of prevalent spirit of 'one man, one vote'. The democratization of the local government franchise in Ireland came in 1898. (Local Government (Ireland) Act: cf. also Cd. 1068, 1902; *Final Report of Local Taxation (Ireland)*, p. 36, etc.)

<sup>4</sup> The whole burden of the rates was thrown on the occupiers and the part paid by the landlords was abolished in Ireland 'in consideration of the risks which a more representative system of local government in Ireland would undoubtedly bring to them'—quoting Minority Report of Royal Commission on Local Taxation (Ireland) in Webb, *Grants in Aid*, p. 82 f. Rates under local Acts might still be paid by landlords. The House of Lords prevented public management of London's water supply, and power to assess abutting property for certain improvements (Shaw, *Municipal Government in Great Britain*, pp. 282, 287). In 1899 it cost Sheffield £526,000 to purchase markets and market rights from the Duke of Norfolk (Knoop, *Municipal Trading*, p. 43). The fear of Parliament of a strong democratic London government is dealt with in Harris, *London and its Government*, p. 89; cf. also p. 122 f.

of city self-government. This aspect of Parliament was intensified through its frequent pre-occupation with national and imperial affairs to the exclusion of local considerations.<sup>1</sup>

Philosophically there was a shift in emphasis from the non-authoritarian liberalism of J. S. Mill to collectivism. Yet this latter still maintained a strong undercurrent of respect for the individual, which aimed to preserve variety and to shun attempts to induce conformity in thinking. The maintenance of this undercurrent was of great importance in later educational development.<sup>2</sup> To this day it has preserved the variety of strain which distinguishes English education from American.

#### FUNCTIONAL DOMINATION AND CHAOTIC FRAMEWORK

§ 3. *Formation of educational traditions.* The fact that the emphasis in Parliament continued to be distinctly on the functional aspect governed quite largely the evolution of city government in the first decade of the period. The financial and political aspects were subordinate, though the former received more attention than the latter. There was scarcely an Act of importance during the '70's which dealt with borough or local government as such.<sup>3</sup> The functional development largely determined the course of local government legislation. Education and public health formed the basis for most of this development.

The character of the period is clearly illustrated in

<sup>1</sup> Cf. Spalding, *Federation and Empire*, which analyzes this congestion.

<sup>2</sup> Cf. Sadler, 'Powers of State and Local Authorities in Education' (*Problems of Local Government*, p. 338), for brief summary. Note also the relaxation of compulsory vaccination in 1898 as a concession to conscientious objectors (Morris, *English Public Health*, p. 112).

<sup>3</sup> Relatively minor exceptions were the Borough Funds Act, 1872; Public Works Loans Act, 1875; Local Taxation Returns Act, 1877; Divided Parishes and Poor Law Amendment Act, 1876. The great Acts of the decade were *functional*.

the changes in education.<sup>1</sup> Till 1870 there had been virtually no local corporate effort permitted outside of Scotland.<sup>2</sup> The religious—or perhaps it would be more correct to say, the denominational—motive had been prominent. Largely out of the wave of humanitarianism, there had gradually arisen a national motive as well. To this was added a certain amount of economic pressure—the outgrowth of the idea that through education poverty might be lessened, and the nation strengthened for international competition. It is well to note for the sake of comparison with America, that in introducing the 1870 Act,<sup>3</sup> under the immediate stimulus of the Reform Act, education for citizenship was mentioned; though any element of social democracy was absent.<sup>4</sup> Class lines were still too firm, and governing was still regarded as the prerogative of the upper stratum.

With educational traditions infused with ecclesiastical, humanitarian, and economic motives, it is not surprising to find in the 1870 Act that local governmental effort was assumed to hold a subordinate and supplementary place. The national will was definitely to supplement the original voluntary and religious control; while local bodies (created *ad hoc*) were thought of more as agencies than as themselves interested.<sup>5</sup> Furthermore, it was a

<sup>1</sup> For the events leading up to the 1870 Act, cf. Balfour, *Educational Systems*; Clarke, *Local Government*; Grice, *National and Local Finance*; Lowell, *Government of England*. The educational history as developed by Balfour, Craik, and Newton has usually been followed throughout this study. For underlying causes of education growth, cf. Sadler, 'State and Local Authorities in Education' in Harris, *Problems of Local Government*, pp. 346 ff.

<sup>2</sup> An exception was the City of London.

<sup>3</sup> Local effort through elected school boards established where voluntary effort was inadequate. Duties included the provision of adequate accommodations and powers to levy a rate, remit fees, and pass by-laws for compulsory attendance. Yet after Reform Act of 1867 Disraeli said, 'We must educate our masters.'

<sup>4</sup> *Hans.*, vol. 199, p. 465.

<sup>5</sup> School boards were to function only where voluntary effort was inadequate. The Department of Education might direct their for-



national *purpose*, not a national *obligation*, as in the United States. There the assumption of equality of ability to hold office or to vote had aided in the creation of equality of opportunity in education. British education was not yet generally to be free, as it was felt that the parent should pay a share.<sup>1</sup> As late as 1877 only 12 per cent. of the population (compared with 17 per cent. in the United States) were in elementary schools.<sup>2</sup>

By 1880 nationalism had so far triumphed as to make education compulsory.<sup>3</sup> Yet the old dominance of sectarian interest yielded but slowly.<sup>4</sup> Hence the 1870 measure was framed in strife and compromise. It also bore the distinct character of acceptance of existing social distinctions. Unlike the Scottish tradition, but resembling early efforts in the Southern States, it was conceived as for the 'working classes' only. Thus it was confined to elementary education, and only schools with fees under a certain amount were included in the system. This effectively preserved other schools for the middle class.<sup>5</sup> There were fewer of the 'frills' of education and none of the secondary education as in the United States. However, in some respects (as in the retention of more

mation. For the point of view suggested here, cf. particularly *Hans.*, vol. 199, p. 450 f.

<sup>1</sup> The power to remit fees in cases of poverty was transferred to the board of guardians in 1876. (Cf. Balfour, *Educational Systems*, p. 20.)

<sup>2</sup> *Report, Supt. of Public Instruction*, California, 1878-9, p. 4.

<sup>3</sup> The Act of 1876 had incorporated this principle for all places save those which previously had had less stringent local by-laws. The 1880 Act brought the two-fifths that still thereby exercised a local veto under the general law (Lowell, *Government of England*, vol. ii, p. 308).

<sup>4</sup> Not so in Scotland (1872), where on the whole the denominations were ready and transferred their schools to the new boards (Balfour, *Educational Systems*, p. xxvii). For the history of the contest in England, cf. Balfour, pp. 19 ff.; Lowell, vol. ii, pp. 304 ff.

<sup>5</sup> Between 1870 and 1893 the cost per pupil in a board school increased 89.3 per cent., and the average attendance 255 per cent. (Goodnow, *Municipal Problems*, ch. vi). For the backward state of Irish education, cf. Balfour, p. 98, etc.

of the religious basis and in the earlier adoption of compulsory education for the whole of the country)<sup>1</sup> Great Britain's system might claim an advantage.<sup>2</sup>

§ 4. *Public health the central function.* It was in public health in the '70's that one must look for the more typical union of local and central action. Here, perhaps better than in any other function, can be seen the contrast of the best side of the single Parliament and the worst side of the great number of state legislatures. The history is familiar.<sup>3</sup> At the instigation of a joint committee of the British Medical Association and the Social Science Association, the newly constituted Parliament appointed a Royal Sanitary Commission which sat from 1869 to 1871. Fortunately for later years its investigations coincided with a number of severe epidemics that revealed the inadequacy of existing health measures. The outstanding feature of the Commission's report<sup>4</sup> was the exposure of the chaos in central and local sanitary administration, and the consequent ineffectiveness of action. Its recommendations, based in many cases upon the experience of the more progressive towns, formed the basis of legislation for many years.<sup>5</sup> The creation of the Local Government Board in 1871 was largely the outcome of its recommendation of a single strong central authority for local government. The earlier opposition to such a board, created by the centralizing policy of Chadwick, had died down under the advisory policy of Simon. The Public Health Act of 1872 made the assumption of

<sup>1</sup> As late as 1919 Ireland had an inadequate law (*Report Comnrs. of National Education in Ireland*, 1918-9, pp. 5, 6, 29).

<sup>2</sup> In 1879 U.S. spent about \$71,000,000 on education, \$54,500,000 being local (Montague, *Local Administration*, ch. v).

<sup>3</sup> Cf. Morris, *English Public Health*, pp. 50 ff.

<sup>4</sup> Cd. 281, 1871.

<sup>5</sup> Clarke, *Local Government*, pp. 22, 153. Some of the more important Acts were the Local Government Board Act, 1871; Public Health Acts, 1872, 1874, 1875; Food and Drugs Act, 1875; Factory and Workshops Act, 1878 (cf. Bannington, *Health Administration*, p. 10; Redlich, *English Local Government*, vol. i, pp. 150 ff.).

sanitary functions mandatory on borough councils not forming a part of a district under an improvement Commission or Local Board. Among the most sound of its provisions was that which made compulsory the local Medical Officer of Health, an official which had been successful in certain towns.<sup>1</sup> In the course of the debate the government explained that they considered it 'unwise to create a new authority where our object was to simplify authorities'.<sup>2</sup>

The 1875 Act<sup>3</sup> was the climax of the effort. The influence of the Act was felt in America as well.<sup>4</sup> It contained a number of elements of great significance. It made the health of the people the central problem of English local government, elevating it to the place in the public mind occupied by education in America, and (before this date) by the poor law in England. The conception of public health was wider than in America, and included matters which the latter would tend to group elsewhere. This tendency to group (revealed earlier) was continued in this Act, and there were included many provisions relating to streets, markets, pleasure grounds, etc. It kept and strengthened the central authority; and performed a similar function for the borough council through continuing the process of making the latter also the primary health authority. It made statutory the local Public Health Committee, as

<sup>1</sup> The first M.O.H. was Dr. Duncan of Liverpool (1847). For his efforts, cf. Muir, *Liverpool*, pp. 311 ff. Cf. also Glasgow, 1863.

<sup>2</sup> This was framed to include the entire country. *Hans.*, vol. 210, p. 882; vol. 209, p. 598.

<sup>3</sup> Schedules, 343 sections, 11 parts, as follows: I. Preliminary, II. Authorities, III. Sanitary provisions, powers and duties—the latter enforceable and often prescribed by Local Government Board, IV. Local Government Provisions (streets, markets, police, pleasure grounds, etc.), V. Provisions as to contracts, by-laws, etc., which by-laws must be approved by Local Government Board, VI. Rating and Borrowing Powers, VII. Legal Proceedings, VIII. Alterations of areas, IX. Powers of Local Government Board, X. Miscellaneous, XI. Repeal and Saving Clauses.

<sup>4</sup> A good account of its early influence may be found in Bowditch, *Hygiene in America*.

well as the Medical Officer of Health. Subsequent Acts during the decade and later supplemented the 1875 Act—but this Act remains the basis of them all, a tribute to the breadth of outlook of Parliament in health matters, and a comment upon the weaker efforts of the United States.

§ 5. *Increasing chaos in framework.* In the preliminary survey of British urban government before 1870,<sup>1</sup> the development (under a functional domination) of numerous *ad hoc* bodies was traced briefly—and its consequences in the uncorrelated character of local government were pointed out. Similarly throughout the '70's there was more attention given to the functions of local government than to its principles. Even though the British cities in the relative simplicity of their internal structure were better able to cope with the great increase of functions than were the American cities, the continued creation of new and unrelated authorities through parliamentary action brought upon English local government in general the characterization of 'a chaos of authorities, a chaos of rates, and a chaos worse than all of areas'.<sup>2</sup> The city proper was denied the opportunity of experiment in charter-making and was based on simpler political principles. Hence it did not exhibit any such perversion of the long ballot or separation of powers as marked the American city.<sup>3</sup>

On the other hand, there still existed a number of the boards that had been created for special purposes prior to 1835 as well as later.<sup>4</sup> There was also some confusion from special port or drainage authorities. Most boroughs were hampered by the existence of a degree of county

<sup>1</sup> Ch. ii, pp. 38-40.

<sup>2</sup> First used by Mr. Goschen (Brodrick, *Local Government in England*, p. 60). The quotation has been incorrectly ascribed to Chalmers.

<sup>3</sup> The reverse was true of the rural districts. The democratic town meeting of New England contrasted with the 'squirearchy' of England (cf. p. 9).

<sup>4</sup> In the evidence before a Boundary Committee (Brodrick, *Local Government in England*, pp. 50 ff.), it was brought out that in 1873 of

jurisdiction.<sup>1</sup> The boards of guardians represented the greatest anomaly. This was due, among other causes, to the failure of the boundaries of the urban unions to represent real local government areas. The school boards were working quite well in the cities<sup>2</sup>—partly due to their newness, and partly due to the fact that their separate election actually represented a conception of education as a problem distinct in character from ordinary local government. The 1872 and 1875 Health Acts made use of existing machinery as far as possible; though making a distinction between urban and rural sanitary authorities. This necessitated the creation of 'local government districts' for some of the smaller urban areas. The borough councils were kept as urban sanitary authorities.<sup>3</sup>

In addition to the difficulties arising from a multiplicity of authorities, much confusion resulted from overlapping boundaries. Here the United States, with its stronger consideration for an urban area as a corporate entity, was at an advantage. In England it was almost impossible to find coincidence in boundaries of different classes of authorities. For example, there were detached portions in over 1,300 parishes.<sup>4</sup> An effort might be made on the occasion of the initial constitution of a single body or even of a whole group (such as the school boards)<sup>5</sup> to make the new areas multiples or units

eighty-eight towns under Improvement Commissioners, etc., thirty-seven were also municipal boroughs; while a similar state of affairs was the case in 146 out of 721 local boards. The prestige of the independent board often exceeded that of the co-existent borough. Cf. also Redlich, *Local Government*, vol. i, pp. 120, 132.

<sup>1</sup> A few boroughs had been granted independent Courts of Quarter Sessions (Brodrick, *Local Government in England*, p. 46).

<sup>2</sup> Cf. p. 232. Their *ad hoc* character is attributed to the influence of the Education Leagues, by Lowell, *Government of England*, vol. ii, p. 304 f.

<sup>3</sup> Similar chaos existed in Ireland. Cf. Hancock, *Local Government and Taxation in Ireland*, pp. 185-95, etc.

<sup>4</sup> Odgers, *Local Government*, p. 28.

<sup>5</sup> Education Act, 1870. The districts were to be boroughs or parishes or any combinations of these ordered by the Department of Education.

of the existing areas. But with the boroughs particularly, when extensions of limits took place, there was often no attempt to adjust other boundaries to conform.<sup>1</sup> In the United States the city usually was thought of as a unit, and its charter incorporated all its agencies of government. Thus when the jurisdiction of the city was extended, the extension was automatically considered to apply to the school board, council, and any other independently elected board. On the other hand, in England either lack of appreciation of local government or its functional concept brought about the conception of an 'authority'—and, if *ad hoc*, hence independent, not only of the borough council, but of its boundaries.<sup>2</sup>

§ 6. *Hampering effects of weakness in framework.* These two difficulties—the number of authorities in a given area and the confusion of boundaries—constituted a decided drag upon the adequate functioning of local self-government. In 1882-3 there were no less than 28,822 authorities levying at least eighteen different kinds of rates.<sup>3</sup>

<sup>1</sup> In the case of the school boards, enlargement followed changes in the borough (Q. 9407-9412, *Minutes of Evidence*, vol. i, Royal Commission on Amalgamation of London). (Cd. 7493-1, 1894.)

<sup>2</sup> As early as 1871 the Census Commissioners had remarked upon the fact (Odgers, *Local Government*, p. 15). A typical example of the difficulty occurred in Edinburgh somewhat later, where after much effort the three constituent parishes of the city were resolved into one, with boundaries coincident with the city's. When the city's boundaries were extended the following year, the fight had to be undertaken anew (Atkinson, *Local Government in Scotland*, p. 133). For the general result of this policy of the 'authority' rather than the 'city' dominating, cf. *ibid.* p. 112.

<sup>3</sup> Parliamentary Return No. 96, 1885. These were as follows :

Boards of Guardians -	647	Commissioners of Baths	
Overseers of Poor Law		and Wash-houses -	12
Parishes -	14,894	Lighting and Watching	
County Authorities -	63	Inspectors -	187
Municipal Corporations -	247	Markets and Fairs Comrs.	7
Urban Sanitary Authorities	970	Bridge and Ferry Trustees	29
Rural Authorities -	577	Metropolitan Sanitary	
Port Authorities -	47	Authorities, etc. -	45
Joint Boards -	21	Turnpike Trustees -	113
Burial Boards -	882		

[Continued overleaf.]

Multiplicity of bodies begets indifference toward the less important; and popular indifference brings official irresponsibility and neglect. This was especially true of certain boards of guardians.<sup>1</sup> Administration itself was often difficult since the law was often complex and obscure, and the jurisdiction uncertain. Furthermore a potent cause of popular indifference to many of the bodies was the overlapping of boundaries. Their frequent failure even approximately to coincide with the physical, social, and economic urban area, made corporate political life unnatural. A change of some sort would seem to have been inevitable, and in fact came, largely out of renewed interest in local government.<sup>2</sup> A large part of the story of local government from about 1875 to 1894 is made up of efforts to find a way out of the chaos which the functional domination of Parliament had brought about.

#### THE LOCAL AWAKENING AND ITS EFFECTS

§ 7. *Growth of civic consciousness.* The most significant event in the '70's from the local standpoint was the growth of civic consciousness. The degree to which this was true, the channels in which it ran, the extent to which it was hampered by extraneous factors, varied greatly between cities, as each began to exhibit a distinct personality. Tradition, population composition, geography, economic

Commissioners of Sewers (Extra Metropolitan) -	54	Harbour, Pier, and Dock Authorities - - -	62
Drainage, Embankment, and Conservancy Boards	178	School Boards - - -	2,115
Church Wardens (Church Rate Accounts) - -	182	Highway Authorities, Rural Sanitary Districts - -	6,890

Brodrick, *English Local Government*, pp. 28, 45, 59, etc., gives a good picture of the attendant results. Cf. also Redlich, *English Local Government*, vol. i, pp. 192 ff.

<sup>1</sup> e.g. Latimer, *Annals of Bristol*, vol. ii, p. 66 f. e.g. in 1897 at the guardians elections 18,000 out of an electorate of 53,000 voted (34 per cent.).

<sup>2</sup> Cf. p. 194.

elements, etc., combined to produce local variants. In the Scottish cities<sup>1</sup> local feeling was especially strong. Though the British legal basis of framework exhibited no such flexibility in yielding to this potential variety as the American city had already begun to show; yet there were provided through the medium of local or permissive Acts as well as through freedom in details of administration, means whereby the locality might work out its own government along its own lines.<sup>2</sup> In general the large provincial cities exhibited the greatest amount of local initiative. In part this was because they were centres of wealth, in part because they could better afford the expenses of private bills, in part this was due to the very magnitude of their problems. In most of the larger cities there was little question of failure to perform duties. These services had often been imposed on the entire country because of their successful application by these same cities, while the services were yet in the 'power' stage. The outstanding example of awakening during this period was Birmingham under the leadership of Joseph Chamberlain;<sup>3</sup> but the growth in other cities, though less spectacular and less associated with any one personality, was no less real.<sup>4</sup>

<sup>1</sup> The Scottish cities were also less limited in powers of education. They were the first to develop higher education—without substantial grants-in-aid—an evidence of the power of an unfettered city (*Final Report on Local Taxation (Scotland)*, Cd. 1067, 1902).

<sup>2</sup> Cf. Redlich, *English Local Government*, vol. i, bk. ii, part i, ch. vii.

<sup>3</sup> For a good account, cf. Bunce and Vince, *Birmingham*, vol. ii. 'A complete revolution of civic ideas took place, and work was accomplished which raised the town from a distinctly mediocre position to one of great prominence in the municipal world' (Muirhead, *Birmingham's Institutions*, p. 102 f.). 'The late Mr. Joseph Chamberlain was foremost in committing to local authorities the onerous and responsible duty of preserving and improving the health and welfare of the millions. . . . He lit the fires of zeal in local government,' etc., etc. (*Political Quarterly*, Sept. 1914, Collins, 'Readjustment of Imperial and Local Taxation', p. 101.)

<sup>4</sup> Liverpool's awakening at first took the form of efforts in public health and housing, then of licensing reform agitation, whence it spread to other functions. (Cf. Muir, *History of Liverpool*, pp. 325 ff.) A grant of land for Liverpool University came in 1882.



§ 8. *Local effort in education and health.* One of the most remarkable evidences of the strength and vigour of the cities appeared in the fact that, in spite of the distinctly national character of the Education Act as conceived by Parliament, every borough but one of those over 50,000 population proceeded to the formation of local school boards—and this without any suggestion of compulsion on the part of the central departments.<sup>1</sup> In some cases the cities had already been amply provided with schools; and established school boards in order to make possible the exercise of the optional power of compulsory education included in the Act. It was a significant object lesson in the triumph of local institutions and local vigour over what had been conceived on a distinctly national or voluntary basis.<sup>2</sup> Though central control was still strict, the 1870 Act extended an opportunity to local government to enter a field from which it had previously been excluded. The results of the London School Board were particularly satisfactory.<sup>3</sup> For the first time the Metropolis was treated as a whole and given a popularly elected body. This must account for at least some of the exceptional popular interest in the new Board. It showed how metropolitan local government must have been hampered by an obsolete system. By 1873 the Public Libraries Act had been adopted in at least six of the provincial cities, but due to this scattering of municipal effort only Westminster in London had taken a similar step.<sup>3</sup>

Subsequent to the 1875 Health Act, boroughs, in their capacity of urban sanitary authorities, continued to

<sup>1</sup> Balfour, *Educational Systems*, p. 23. For Bristol, cf. Latimer, *Annals of Bristol*, vol. i, pp. 454 ff.

<sup>2</sup> Contrast this with the inaction of the undemocratic boards of guardians in Ireland, who were empowered (1875) to rate for education—almost a total failure (Balfour, *Educational Systems*, p. 100).

<sup>3</sup> Brodrick, *English Local Government*, p. 64; cf. also Glasgow's Municipal Art Gallery, 1877, *Municipal Glasgow*, p. 36.

receive a number of supplementary powers.<sup>1</sup> Expense under this head grew from 25.5 per cent. of the total rates in 1874-5 to 34.9 per cent. in 1894-5,<sup>2</sup> and reflected the English concept of the central purpose of municipal government. Details were constantly improved. Private Acts of municipalities, rather than central research, furnished much of the basis for the extension of general powers.<sup>3</sup> The initiative under the general Acts was far from wholly central.<sup>4</sup> There were equal evidences of local and voluntary effort. In health matters the Local Government Board had relatively less control over the larger borough councils than over the smaller bodies. The private Act furnished a convenient loophole when administrative control or incomplete power hindered the local will.<sup>5</sup> The small inducement of one-half the salary of the Medical Officer of Health in return for Local Government Board approval of his appointment was scarcely enough to attract the cities from their position of independence.<sup>6</sup> By-laws were not stereotyped till late in the period. To local initiative rather than to

<sup>1</sup> Under Sale of Food and Drugs Act, 1879; Public Health (Interments) Act, 1879; Public Health (Fruit Pickers' Lodgings) Act, 1882; Public Health (Ships, etc.) Act, 1885 (Port Sanitary Authorities); Housing of the Working Classes Act, 1885; Margarine Act, 1887; Sale of Horse Flesh Act, 1889; Infectious Diseases (Notification) Act, 1889; etc., etc. (till about 1890). After 1890, cf. footnote 1, p. 230.

<sup>2</sup> *Public Health and Social Conditions*, Cd. 4671 (1909), p. 76.

<sup>3</sup> e.g. Infectious Diseases (Notification) Act, 1889, based on experience of some few towns (Bannington, *Health Administration*, p. 172); one of which was Dundee (Atkinson, *Local Government in Scotland*, p. 22).

<sup>4</sup> This mistake was made by Maltbie in *English Local Government of To-day*; due to an almost exclusive dependence upon central documents for his authority.

<sup>5</sup> e.g. Glasgow (1866) empowered to provide municipal lodging houses, the first of which was completed in 1871. Cf. *Municipal Glasgow*, pp. 51 ff. for account.

<sup>6</sup> Of the county boroughs (1913), thirty-nine (i.e. a majority) did not apply (*Report, Local Government Board*, 1914, part iii, p. cxi) (Cd. 7611, 1914).

central control belongs the credit for successful health administration in these larger cities.<sup>1</sup>

§ 9. *Municipal trading.* In the '70's a remarkable development in municipal trading took place among the larger and more progressive towns. The total outstanding loans for 'productive' purposes had increased to £85,269,000 by 1884-5.<sup>2</sup> This increase primarily occurred through municipalization of the gas and water supplies.<sup>3</sup> There were several underlying motives. Some were economic—the desire for cheaper service or profits for relief of rates.<sup>4</sup> The important position accorded to public health had its effect in the matter of municipal water supply. Running through the movement, however, was the inherent *urge* to expand, felt in every self-governing community. It was believed that here was a real field for serving the community. Though the obstacles were often great, the vitality of the cities overcame them.<sup>5</sup> It is significant that this expansion took place in a field relatively free from central administrative control.

About 1870 there took place a very definite change in attitude toward the public utility company. This change was reflected in the restrictions imposed upon private companies in the Tramways Act of that year.

<sup>1</sup> Bannington, *Health Administration*, pp. 260-88, gives the local authorities the major credit. Cf. also p. 10, concerning efforts of Bristol, Croydon, and Merthyr Tydvil even earlier. Cf. Atkinson, *Local Government in Scotland*, p. 54, for Glasgow.

<sup>2</sup> *Annual Local Taxation Returns*, 1907-8, part viii, p. 116.

<sup>3</sup> Municipal gas works commenced: before 1870, 33; 1870-80, 38; 1880-1900, 24 (Darwin, *Municipal Trade*, p. 10). Glasgow—Gas 1869, Trams 1872, Baths 1874, Sewage Disposal Farms 1879; Birmingham—Water 1874, Gas 1875; Manchester—Water (Thirlmere) 1879, etc.; etc.

<sup>4</sup> Scottish burghs, given the privilege of municipal trading in gas in 1876 (where no private company existed), were forbidden by statute to use profits in relief of rates. These must be used to improve the service (Atkinson, *Local Government in Scotland*, p. 296).

<sup>5</sup> For financial obstacles, cf. p. 212; for obstacles connected with area and boundaries, cf. p. 194.

A feeling had arisen that in spite of usual provisions (for the inverse variation of prices and dividends) the gas and water companies had profited too greatly in what were distinctly public and probably monopolistic services. The cities also had found that municipal purchase involved payment as a going concern, and brought their views to bear forcibly upon Parliament. Thus a policy of caution commenced—the outgrowth of municipal consciousness. For instance, in the Tramways Act, municipal purchase might now take place at the end of twenty-one years and at construction value.<sup>1</sup> The result of this more conservative attitude, and the growing feeling that such services should be municipally conducted for the benefit of all brought a slower development than in the United States. In tramways, for example, there were only 386 miles in Great Britain in 1880 as compared with tramways in all the important cities in the United States in 1870.<sup>2</sup>

The reasons for the contrasted policies go deeper. The prosperity in the United States was so great that it brought with it an inflated optimism. Thus public opinion desired the service at any cost, and the policy of subsidies resulted.<sup>3</sup> The more sinister aspect of corruption, which undoubtedly thwarted any extensive municipal trading, is only one more evil to be traced to the character of American local bodies founded upon defective political philosophy.<sup>4</sup>

Following the precedent of the Tramways Act,

<sup>1</sup> Tramways Act, 1870. Further restrictions in the same Act included (section 4) a local veto on tramways right granted through provisional orders. A similar veto on private bills was granted in 1872 by an amendment to the standing orders of both Houses (Lowell, *Government of England*, vol. ii, pp. 225 f.).

<sup>2</sup> Lowell, *Government of England*, vol. ii, p. 245; cf. Fairlie, *Municipal Administration*, chapters on public utilities. According to Lowell, before the passage of the 1870 Act there were petitions on the part of twenty-seven companies to build no less than 516 miles.

<sup>3</sup> Cf. p. 65.

<sup>4</sup> Cf. pp. 612-618.

Parliament was very conservative in the terms of extension of electric lighting concessions to private firms.<sup>1</sup> The local veto was introduced in the case of the electric companies. In the '80's England seemed to err as much on the one side as the United States had on the other. The details are familiar, the lesson being the simple one that private enterprise must be assured an adequate return before it will enter a given field. However, the terms of the 1882 Act were amended in 1888,<sup>2</sup> making the period at which the municipalities might purchase the plant forty-two years instead of twenty-one; and also giving the Board of Trade power to set aside the local veto.<sup>3</sup> That Parliament was proving increasingly considerate of the wishes of municipal authorities in these matters was almost as much a tribute to the inherent strength of the cities as was the growth of municipal trading itself.

§ 10. *Miscellaneous functions.* In most of the other functions there were similar evidences of local awakening. As in America the '70's marked almost the first attempts to deal with the housing question.<sup>4</sup> The awakened interest in public health had been quick to realize that bad housing conditions were intimately connected with disease. The more progressive cities undertook some quite extensive clearance schemes. Till well into the '90's the policy was confined largely to dealing with unhealthy buildings—actual provision of houses being almost invariably left to private enterprise.<sup>5</sup>

<sup>1</sup> Electric Lighting Act, 1882.    <sup>2</sup> Electric Lighting Act, 1888.

<sup>3</sup> The Light Railway Act, 1896, also gave much more favourable terms to the private companies than had the Tramways Act. It did not retain the local veto, nor did it limit the concession to twenty-one years. Purchase was to be at value as a 'going concern'.

<sup>4</sup> Isolated instances occurred earlier under the Liverpool Building Act, 1842 (cf. Muir, *Liverpool*, p. 317); in the City of London, 1865; under the Glasgow Improvement Act, 1866.

<sup>5</sup> The Artisans' and Labourers' Dwellings Acts, 1875, 1879, dealt largely with the destruction of buildings (cf. Darwin, *Municipal Trade*, p. 17). Cf. Birmingham 1875, Howe, *European Cities*, p. 281.

The efficiency of the police steadily increased, contrasting favourably with the United States, particularly in their non-participation in local politics.<sup>1</sup> A gradual change was taking place toward the inclusion in their duties of prevention as well as of arrest.<sup>2</sup>

There were frequent instances of public-spirited gifts of parks to municipalities,<sup>3</sup> but the borough councils themselves found their own efforts in this direction largely thwarted by the difficulties in the way of land acquisition.<sup>4</sup> Only in the administration of poor relief did the localities exhibit any considerable lack of initiative.<sup>5</sup>

§ 11. *Value of municipal self-government.* This increase in civic consciousness<sup>6</sup> and in the scope of city self-government brought with it certain consequences. The experiments conducted by many cities had already shown their value in preparing the way for general legislation

For Glasgow (1870-80), cf. *Municipal Glasgow*, p. 50 f. Further building of the worst type of slum was prevented through section 157 of the Public Health Act, 1875, dealing with space, ventilation, drainage, etc. (Reiss, *Home I Want*, p. 78). The Housing of the Working Classes Act, 1882, also dealt mainly with destruction. The 1885 Act was the first really to draw attention to the need for additional dwellings (cf. Darwin, *Municipal Trade*, p. 17).

<sup>1</sup> In 1887 (Police Disabilities Removal Act) police otherwise qualified were given the right to vote in parliamentary elections; and six years later, in local elections. They were still forbidden to canvass (Lee, *Police in England*, p. 400).

<sup>2</sup> The number of commitments declined between 1871 and 1891 from 16,269 to 11,605 (Lee, *Police in England*, p. 337). Cf. Muir, *Liverpool*, pp. 325 ff., for the story of the changed attitude in Liverpool.

<sup>3</sup> For frequent instances during this period, cf. Latimer, *Annals of Bristol*; *Municipal Glasgow*; *Council Year Book*, Leeds; *Municipal Year Book*, Liverpool; Bunce and Vince, *Corporation of Birmingham*, vols. ii, iii; etc., etc.

<sup>4</sup> e.g. in Bristol (1877) the council had determined on a park for the eastern part of the city. The owner asked £25,000 for the plot, or more than double its value as agricultural land (Latimer, *Annals of Bristol*, vol. i, p. 494). In the same city (1887) two acres cost £5,846, and 149 acres (outskirts) cost about £50,000 (*ibid.* vol. ii, pp. 3, 7). The Public Parks Act, 1878, extended the right to acquire land under the Land Clauses Act to include parks.

<sup>5</sup> Cf. pp. 234, 461.

<sup>6</sup> Cf. Redlich, *English Local Government*, vol. i, p. 196.

dealing with matters such as medical officers of health, prevention of contagious diseases, clearance of unhealthy areas, municipal trading in gas and water, public libraries, issuance of local stock, etc.<sup>1</sup>

The quality of the city government formed a most striking contrast to that of the United States. The tone in England was steadily upward, coincident with the increased prestige and responsibility of the boroughs. It is true that corruption still lingered in some of the smaller bodies—where it largely took the form of ‘axes to grind’. London was open to grave suspicion, particularly in its land deals and poor law administration. Isolated instances occurred elsewhere, but their very isolation served to emphasize the contrast with the American degradation. In general, instances where private interests prevailed over public tended to cluster about the closely supervised boards of guardians, the irresponsible smaller *ad hoc* bodies, or the smaller and more backward cities.<sup>2</sup> In all of these, central pressure for better administration had often deprived local initiative of a chance to work. Though on a much smaller scale than in America, irresponsibility thus operated as an aggravating factor in England also. The low tone of public morality in central government fortunately was spared England.

No better illustration of the upward trend of government in the larger cities need be given than by an analysis of the occupations of the councils in some of these cities in 1870 and again in 1880. The group of able public-spirited men (comprising those indisputably on the council for service) increased in Liverpool, Leeds, and Birmingham

<sup>1</sup> Cf. Odgers, *Local Government*, p. 13. Note also ‘ticketing’ number of occupants permitted a house—Glasgow (Atkinson, *Local Government in Scotland*, p. 178, etc.).

<sup>2</sup> Evidence of corruption was very difficult to unearth. For opinions of the time (followed here), cf. Brodrick, *Local Government in England*, pp. 65, 78; cf. also Lowell, *Government of England*, vol. ii, p. 204.

from eighty-seven to ninety-nine; while the number of the small tradesmen class declined from forty-one to twenty-five. Professional men, merchants and other substantial men not included in the previous categories increased from forty-four to forty-eight.<sup>1</sup> Thus the influence of a 'governing class' continued to inspire respect in the mind of the electorate.

Internally the structural evolution was sound. The committee system was recognized by statute in the Public Health Act of 1875. There was little need felt in the larger cities for an increase in the number of committees; but the number of sub-committees in Leeds and Birmingham, for example, increased from fifty-five to sixty-six in 1880 and to seventy-three in 1890.<sup>2</sup> Moreover, the greater influence of political party in local elections following the Reform Act of 1867, seems not to have entered administration. This was undoubtedly partly accounted for by the fact that the British executive was by tradition permanent and by statute appointive. The critical time in establishing the traditions of the civil service had been successfully passed before the arrival of intense party feeling.<sup>3</sup> The effect of party influence on the council and on the electorate was a debated question, and the arguments pro and con are too familiar to need restating.<sup>4</sup> To an American of the time, surveying the comparatively high place of party in England, could come only a feeling of regret that matters

<sup>1</sup> For details, including basis of classification, authorities, etc., cf. Appendix B. The number of councillors in these cities did not increase during the decade. However, Odgers, *Local Government*, p. 10, says that the small tradesman was the rule 'in all but the most important places'.

<sup>2</sup> For details and a fuller treatment of the growth of committees, cf. Appendix C.

<sup>3</sup> Cf. p. 56.

<sup>4</sup> For the opinion of the time, cf. Brodrick, *English Local Government*, p. 72. The influence of Birmingham seems to have been somewhat responsible for its introduction elsewhere (*Municipal Glasgow*, p. 275).



were otherwise in his own country. On the whole the tone may be summed up as having been distinctly good.

§ 12. *Financial problem.* The reaction on finance of such a growth of municipal activities as has been chronicled was inevitable. It was at first much more striking and more present in men's minds than was the effect on framework resulting from the increase of *ad hoc* bodies under the functional domination of Parliament. Rates which in 1871 were £16,000,000 had increased by 1882-3 to £24,500,000.<sup>1</sup> In the parliamentary discussions of the period, there was usually an attempt made to distinguish between investment or profitable expenditure, and what was generally considered merely as outlay with no adequate return. In local circles this distinction was often not made, and the ratepayer blindly protested against any and all expenditure. This, together with the fact that a considerable increase in rateable value took place which made the increase in the rate even as late as 1891 only from 3s. 4d. to 3s. 8d. in the £,<sup>2</sup> would seem to indicate the presence of some hampering factor to local activity in the nature of the rating system. In any case the problem of finance came to be dominant as well as chronic. In the '80's the situation was accentuated by the economic depression, especially acute in agriculture.<sup>3</sup>

<sup>1</sup> *Memorandum on Imperial and Local Taxes* (Cd. 9528, 1899), p. 16; *Parl. Paper*, No. 209 (1885), p. 10. (England and Wales only) :

Period.		Rates 1st year.	Rates last year.	Average annual increment.
1867-8—1874-5 (7 yr.)	-	£16,504,000	£19,198,000	£385,000
1874-5—1881-2 (7 yr.)	-	19,198,000	23,905,000	672,000
1881-2—1890-1 (9 yr.)	-	23,905,000	27,819,000	435,000
1890-1—1898-9 (8 yr.)	-	27,819,000	38,602,000	1,348,000
1898-9—1903-4 (5 yr.)	-	38,602,000	52,941,000	2,868,000

(Table taken from Appendix of *Report of Royal Commission on Local Taxation*, and used in Chorlton, *Rating of Land Values*.)

Cf. also *The Fowler Report*, H.C. 168 (1893).

<sup>2</sup> Appendix to *Final Report of Royal Commission on Local Taxation* (Cd. 1221, 1902, p. 38).

<sup>3</sup> Similar data for Scotland may be found in *Report on Local Taxation in Scotland* (Cd. 7575, 1895). A report similar to the

Before considering the means adopted to eliminate the difficulties under which cities laboured in the matters of framework and finance, it is advisable to trace the part played by administrative centralization in further modifying the natural course of city self-government.

#### THE COURSE OF ADMINISTRATIVE CENTRALIZATION

§ 13. *Centralization in education.* There was noticeable in the '70's a fairly consistent tendency to increase the extent of central control. An increase of central subventions added further strength to the feeling that national interests must prevail. Unlike the United States, subvention had always postulated supervision. To these factors making for centralization must be added the aforementioned weakness of many of the local bodies, due to the illogical areas and the *ad hoc* authorities, and to the resistance of many of the smaller ones.<sup>1</sup> Parliament had not attempted, as had the American state legislatures, to interfere in the details of local charters for political purposes.

The degree to which the newly-constituted school boards were to be subjected to detailed regulation and inspection was in part at least natural—for the inspection of the old voluntary schools had been in great detail.<sup>2</sup> This had been justifiable, as the school managers had not been responsible to the community which they served. On the other hand, the presence of so many conflicting interests—religious, economic, and otherwise—revealed throughout the course of the Education Bill in Parliament, led to a jealous restriction of any attempt on the

Fowler *Report* does not appear to have been published for Ireland. Considerable data will, however, be found in the *Final Report on Local Taxation (Ireland)* (Cd. 1068, 1902); and further data for Scotland in the *Final Report on Local Taxation (Scotland)* (Cd. 1067, 1902).

<sup>1</sup> Cf. pp. 177 f.

<sup>2</sup> Cf. Balfour, *Educational Systems*, p. 15 f., for description. Redlich, *English Local Government*, vol. 1, p. 185 f., deals with the early tradition of centralization.

part of the local bodies to nullify the compromises or to encroach upon property interests.<sup>1</sup> The combination of these factors resulted in 'unlimited inspectability', checks on the majority of details, audit, restrictions on land acquisition and borrowing. All these but reflected the prevalent belief that the local governments were merely agencies for the central. Parliamentary, as a counterpoise to bureaucratic control, was introduced by requiring parliamentary approval of the Annual Code of the Education Department. Force of circumstances and common sense soon brought some change in the old system of 'payments by results',<sup>2</sup> but with little growth in recognition of the locality's part. Thus the centralized tradition of the education system was established. This continued during the '80's in the extreme detail of the Mundella Code (1882),<sup>3</sup> which used the grant-in-aid as a method to transfer more than ever the initiation and regulation even of minor points to the central department. In spite of criticism the Department policy did not change materially till much later.<sup>4</sup>

§ 14. *The Local Government Board.* The Royal Commission of 1871<sup>5</sup> had reflected the view-point of the

<sup>1</sup> Among the provisions of the Education Act, 1870, were those which required departmental approval of amount of weekly fees, departmental consent for borrowing, departmental approval of course of study, audit by Poor Law Board, special Act of Parliament and departmental consent to acquire land compulsorily. In 1878 this last was relaxed in the case of Scottish cities, but due to its complicated nature the new provision was of little use (Balfour, *Educational Systems*, p. 130).

<sup>2</sup> By grants in certain special subjects being made dependent on average attendance—1875. Cf. Lowell, *Government of England*, vol. ii, p. 309, for more complete account.

<sup>3</sup> Cd. 3152, 1882.

<sup>4</sup> Cf. Newton, *English Elementary School*, pp. 23 ff.; also Lowell, p. 310, for account of the period. In 1872 Scottish education was put under a separate department, school boards constituted in every parish, no restrictions put upon the range of education or the class of children, compulsory education introduced (*Final Report on Local Taxation [Scotland]*) (Cd. 1067, 1902, p. 62).

<sup>5</sup> Cd. 281, 1871. Cf. Redlich, *English Local Government*, vol. i, pp. 150 ff., for a full account of its recommendations.

prevailing national concern in public health. Though it had recommended a strong central body to stimulate rather than supervise local bodies, there was also present the old impatience with local slowness, and the instinct for a 'short cut' to efficient public health. The preamble of the Act creating the Local Government Board (resulting from the Commission's recommendations) reflected the concept of an enforcing agency. 'It is expedient to concentrate in one department of the government the supervision of the laws relating to public health, the relief of the poor, and local government.' In the legislation of the next few years Parliament proceeded to make real this control over local public health. The 1875 Act crystallized both tendencies that had appeared in the earlier Acts. Its significance was dual, setting free local initiative as well as central. On the one hand, the central board was given control over local by-laws, enforcement (and in some cases prescription) of the duties imposed, a measure of financial control, and a limited introduction of the grant-in-aid principle:<sup>1</sup> on the other hand, a large number of new powers were conferred upon the local authorities.<sup>2</sup> Furthermore the boroughs enjoyed relative freedom from financial control, making possible a large measure of unchecked local initiative. Subsequent Acts during the decade, and after, tended to continue the policy of granting to the central board a measure of control over the new powers and duties given to the local bodies.<sup>3</sup> There was also some transfer to the department of matters hitherto regulated by private Acts.<sup>4</sup>

<sup>1</sup> Part ix of Act.

<sup>2</sup> Parts iii and iv of Act.

<sup>3</sup> e.g. Rivers Pollution Act of 1876—to protect one authority against another; Infectious Diseases (Notification) Act, 1889—Local Government Board consent necessary to add to list of notifiable diseases; Public Health Act, 1875; Local Government Acts, 1888, 1894; Public Health Amendment Act, 1890; Agricultural Rates Act, 1896; London Government Act, 1899.

<sup>4</sup> Through extension of use of provisional order. Cf. Clifford, *History of Private Bill Legislation*.

On the whole, the Local Government Board held fairly closely to the tradition established by Chadwick in both health and poor law, of using its power to direct local effort.<sup>1</sup> Occasionally it went out of its way to secure its own methods. To some extent, notably in health, there was a continuance of the policy of research which had been such a large part of the work of Simon.<sup>2</sup> Yet the cholera survey of 1884-6<sup>3</sup>—the single great attempt of this (or any) central department to serve as an intelligence centre—was stopped one-third of the way through; and the Local Government Board lapsed again into the routine that marked all of the departments.<sup>4</sup>

The essential elements of the tradition of all the central departments more than ever presented a contrast with the advisory tendencies of those of the United States. Though there were conspicuous instances of a reserve in the use of powers, and though in one or two of the departments the relations of central and local bodies were as cordial as could be desired; yet it must be remembered that the purposes which marked their formation involved the subordination of the local to the national interests. This was expressed by a stimulated or forced 'short cut' to accomplishment. Its blunders in the supervision of the local sanitary authorities were many—particularly in the early years.<sup>5</sup> There was nothing to bear comparison

<sup>1</sup> Cf. Redlich, *English Local Government*, vol. i, p. 161; vol. ii, pp. 262 ff. About 1896, for instance, there were several refusals of loans, except on condition of installation of a particular form of sewage disposal (*Hans.*, 1896, vol. 44, pp. 426 ff.).

<sup>2</sup> Publication of sanitary studies by the Medical Department of the Local Government Board was begun in 1876. Cf. Morris, *English Public Health*, p. 60, etc.

<sup>3</sup> Cf. Morris, *English Public Health*, p. 60 f.

<sup>4</sup> It did, however, continue to amass statistics. Its powers in this matter were increased in 1882. Cf. Odgers, *Local Government*, p. 256.

<sup>5</sup> Morris, *English Public Health*, pp. 54 ff., lists at least five—(a) Health put in a subordinate position to poor law, (b) Act of 1872, (c) Non-medical supervision, (d) Imposition of conditions for Medical Officers of Health such that full-time supervision became impossible

with the degree of co-operation obtained by the Illinois Board.<sup>1</sup>

In the incidental services of the Local Government Board as an arbiter, or in its dealings with boundary alterations, there was as yet little of significance. The important thing was the effort on the part of all the boards to control through inspection, supported by a reserve of sanction. The sanctions themselves were rarely used.<sup>2</sup> The most characteristic form that direction of policy took was the grant-in-aid, to carry out what seemed to be to the national advantage. In the initial stages of poor law and health legislation much had thus been accomplished.<sup>3</sup> To the use of the grant was attributed much of the growth of efficiency in the police.<sup>4</sup>

A change of a different nature was the transfer of part of the enforcement of the 'rule of law' from the courts to the departments. Central audit to guard against illegal expenditure illustrated this tendency.<sup>5</sup> The suspicion felt toward local authorities which subjected so many of their by-laws, loans, appointments, etc., to central administrative approval, had virtually no parallel in the United States. 1890 was too early to estimate the effect of this kind of check on local activity. Parliament had

due to the smallness of the area, (e) Its medical department forbidden to conduct correspondence with the local authorities, and also not allowed facilities for intimate information.

<sup>1</sup> Cf. p. 96.

<sup>2</sup> Brodrick, *English Local Government*, p. 52.

<sup>3</sup> Cf. pp. 43, 44.

<sup>4</sup> Webb, *Grants in Aid*, pp. 18 ff., for case of central authority; cf. also p. 43 *supra*.

The number of authorities from whom the grant was withheld declined steadily. The table is familiar: 1857, 120; 1860, 78; 1865, 59; 1870, 56; 1875, 38; 1880, 32; 1885, 25; 1890, 0 (Webb, p. 20). (Used also in Goodnow, *Municipal Problems*, p. 125; Grice, *National and Local Finance*, p. 64, etc.)

<sup>5</sup> District Auditors Act, 1879, gives the Local Government Board powers over audit, forms, etc. Previous provisions had been included in Acts of 1860 and 1877 (Dept. Committee on Accounts of Local Authorities (Cd. 3614, 1907)). Under sec. 245 of the Public Health Act, 1875, the Board was given power to prescribe forms. Sec. 246 exempted boroughs from the Board audit.

created democratic bodies for local government, but was showing itself somewhat cautious in extending to them freedom of action.

## THE STRUGGLE AGAINST EXTRANEOUS FACTORS :

### I. CHAOTIC FRAMEWORK

§ 15. *British and American city problems compared.* As in America, British local government presented a conflict of elements—uncrystallized and as yet imperfectly related. The national view-point was unconsciously struggling with the local. Yet the tradition of public service was well established in a real political democracy. Unlike America, there was little desire (perhaps because there was less need) to call into use the experience of other countries.<sup>1</sup> English local government was keeping true to its tradition of being indigenous—typical of the philosophy of the people.

Functional growth had come in both countries, similar in extent but differing in emphasis and results. England was emphasizing health and municipal trading; America, education and public works.<sup>2</sup> Both had attendant crises in finance. Both had the *ad hoc* body, but with this difference, that in the United States the chief difficulty consisted in the multiplicity of elected officials, and in Great Britain in the divergence of areas.

The local bodies were distrusted in both countries—in England, by Parliament; in America, by the people. The divergent framework of the central government had begun to affect local government in both countries. The supremacy of Parliament was putting national considerations first, and the central boards were powerful and influential; the written constitutions were being used to

<sup>1</sup> The taxation *Report* of Mr. Goschen (H.C. 470, 1870) was based upon a study of European countries. But this concerned, not administration or function, but the extent of taxable burden.

<sup>2</sup> 'Public works' included many matters which England would have included under 'health'.

check the interference of the legislatures in city affairs, and the state boards were advisory—but also influential. England had done much to adopt measures, as in education, similar to America's best; while America was still clinging to her worst.

§ 16. *Simplification of framework.* English local self-government, although strong, was evidently labouring under many disadvantages, chief of which were chaotic framework, stringent finance, and the power of vested interests. In addition—whether for good or ill—it was subjected to a large amount of central administrative control. The struggle against these extraneous factors occupied the second phase of the period.

It will be remembered that among the most difficult problems confronting city government (or more properly local government) was the chaotic state into which the functional domination of Parliament had brought its framework. Even before 1880 there had been a growing realization among the more thoughtful that the confusion and multiplicity of authorities and areas represented a great drag upon English local government.<sup>1</sup> Accordingly an interest in local government was practically forced upon Parliament and sections of the public. Thus in both countries a consistent effort arose about this time to re-establish a simple and more responsive form of city government. The manner in which each country attacked this problem furnishes an interesting comparative study of the results of a single Parliament as

<sup>1</sup> Cf. the Divided Parishes and Poor Law Amendment Act, 1876; and similar legislation in 1879 whereby the Local Government Board was (in addition to powers in boundary alteration) given power, with the consent of the boards of guardians, to combine unions for certain purposes. Cf. Odgers, *Local Government*, p. 116. Under these Acts of 1876 and 1879, as well as under the Divided Parishes and Poor Law Amendment Act of 1882, there was considerable improvement, particularly where large parishes were cut in two by boundaries of boroughs or counties. Between 1881 and 1891, 3,258 parishes had boundaries altered (Odgers, p. 29). (Cf. also Hart, *Local Government*, p. 12, for details.)



compared with the extreme devolution of the various states, and city 'home rule.' It is possible in each case to analyze the underlying weaknesses which delayed fulfilment or made it imperfect. One further fact should be noted. England—unlike the United States—did not usually consider city government as a problem distinct from local government.<sup>1</sup> This had a certain amount of influence on legislation.

Since 1835 there had grown up a considerable number of supplementary statutes relating to municipal corporations, which had left the legal position somewhat confused.<sup>2</sup> While the early Act had established itself as fundamentally sound, it was felt that it could be strengthened in certain points. Thus in 1882 a Municipal Corporations Act was passed which, while primarily consolidating, made some changes in the existing law.<sup>3</sup> It was followed in 1883 by another Act dealing with boroughs not covered by the 1835 Act.<sup>4</sup> The 1883 Act followed the recommendations of a Commission appointed in the preceding decade, with the result that about eighty ancient boroughs were extinguished and twenty-five boroughs brought under the Municipal Corporations Act. The result was to make borough government more uniform and more easily understood.

§ 17. *Counties and county boroughs.* In 1888 changes of framework took place which were of major significance

<sup>1</sup> Cf. Bibliography, pp. 641 ff.; note the number of books on *city* government in the U.S. relative to the number on *local* government; and the converse in Great Britain.

<sup>2</sup> Cf. *Hans.*, vol. 260, p. 2033.

<sup>3</sup> Municipal Corporations Act, 1882. Among the new provisions were ones establishing a statutory audit by two auditors elected, and one appointed by the mayor; extension of the provisions of compounding; removing the requirement that the mayor must be a member of the council.

<sup>4</sup> Municipal Corporations Act, 1883; cf. Gomme, *Principles of Local Government*, p. 80, for the recommendation of the Commission. It had investigated 106 'boroughs' and had found the municipal government of thirty-two of them already extinct.

for the cities.<sup>1</sup> To the student of local government as a whole, the chief interest lies in the democratization of county government; but in a study of the development of urban areas, the 1888 legislation has two other main considerations. In the first place the boroughs above 50,000 were separated entirely from the county, and given the title of county borough.<sup>2</sup> Previous to this time there had been no uniform practice, the county justices having varying jurisdiction over the boroughs. A number of the boroughs had already acquired complete independence.<sup>3</sup>

The county councils were the successors to the administrative duties of the justices. With the subsequent acquisition of further considerable functions the question of boundaries was to become acute.<sup>4</sup> The Act of 1888 thus made fairly complete a divergence in practice that furnishes another of the interesting comparative studies in government between the two nations. It will be recalled that the American practice was generally to continue the city under county jurisdiction.

In the second place, among the provisions was one allowing the county power—with Local Government Board consent—to alter parish or district boundaries. In this, as in the section whereby through provisional order the Local Government Board might alter county or county borough lines, there was the further stipulation that if possible all alterations should be such that no two

<sup>1</sup> Mr. Ritchie, in introducing the 1888 Act, mentioned that there was 'not any great force of public opinion behind this question' (i.e. local government reform). (*Hans.* 1888, vol. 323, p. 1641.)

<sup>2</sup> Sixty-four in all, including also some few below 50,000 (Local Government Act, 1888). In 1898 Dublin, Belfast, and four other Irish boroughs were made county boroughs on the English model. The original draft of the 1888 Bill had contemplated freedom for only five towns (Atkinson, *Local Government in Scotland*, p. 89).

<sup>3</sup> There were still some variations, cf. Gomme, *Principles of Local Government*, p. 75 f. These were chiefly in the extent to which the counties retained control of Quarter Sessions.

<sup>4</sup> Cf. pp. 386, 390.

boundaries intersected.<sup>1</sup> Hence by 1890, though there was still much left to be done, the way to simplification was fairly clear; and the problem was appreciated. In 1883 Dr. Chalmers had enunciated two principles on which reform of local government should be based: (1) that areas should consist of units and multiples—no overlapping; and (2) each unit or multiple should be governed by a single authority which should perform all functions—no *ad hoc* bodies.<sup>2</sup> A substantial start had been made toward the attainment of (1).

§ 18. *The urban district.* By the beginning of the '90's the arrangements of 1888 had come into full working order—sufficiently to emphasize the fact that there was still much to be done to simplify the machinery of local government as a whole. The larger urban areas were enjoying a comparative absence of confusing elements, owing to their separation from the county; but there was still left the problem of a system of local government for the rest of the country. The plans made in 1888 were accordingly carried to their logical conclusion in 1894 by abolishing some 8,000 anomalous authorities. Urban and rural districts, with democratically elected councils, were substituted for the miscellaneous boards of health, improvement commissioners, etc.<sup>3</sup> At the same time, a further forward step was taken to bring the poor law machinery into relation with the other areas of government by provisions whereby the parish, as far as possible, was to become the unit. The parish was to be a

<sup>1</sup> Sec. 60, Local Government Act, 1885.

<sup>2</sup> Chalmers, *Local Government*.

<sup>3</sup> Cf. Local Government Act, 1894, for this and other provisions considered here. Some urban districts (1920) had a population in excess of 100,000.

For more complete accounts of the 1894 changes, cf. Gomme, *Principles of Local Government*, pp. 13 ff.; Morris, *English Public Health*, p. 108; Odgers, *Local Government*, pp. 24, 30, 125 ff., etc. For Scottish special district, cf. Atkinson, *Local Government in Scotland*, p. 96 f.; Munro, *Local Government in Counties in Scotland*, in Harris, *Problems of Local Government*, pp. 352-367.

subdivision of the district, and the district of the county. Subsequent orders of the Local Government Board during the decade continued the process.<sup>1</sup> Though this had but little direct relation to the boroughs, it was indicative of a similar spirit in Parliament's dealings with the latter, and marked part of the comprehensive policy for remedying the chaos into which local government had fallen.<sup>2</sup> It is worthy of notice that this policy was uniformly pursued under Conservative and Liberal governments.

The urban districts so created were given an internal framework similar to the boroughs. This fact alone would point to a satisfactory working of the borough governments. At a time when the United States was experimenting—with doubtful success—with a variety of plans of city government, it is significant that the form chosen for the urban district was substantially the same simple and understandable plan of the directly elected council divided into committees for administrative purposes—each with a group of subordinate permanent employees as executives.<sup>3</sup>

§ 19. *Tendency toward larger areas.* The creation of the county councils was the most important single indication of a general tendency toward larger units of local government. When county government was undemocratic, there was little thought (at least in the later years) of its being endowed with supervisory jurisdiction over the various boroughs, district boards, etc. Legislation, particularly in public health, had tended toward local autonomy and central supervision. The question became quite otherwise if the intermediate county councils were

<sup>1</sup> Odgers, *Local Government*, p. 130 f., and *Reports of Local Government Board* for the period.

<sup>2</sup> Changes in Ireland came in 1898. A good sketch of Irish boroughs before 1898 may be found in Webb, *Municipal Government in Ireland*, pp. 263 ff. For the changes, cf. *Report on Local Taxation (Ireland)* (Cd. 1068, 1902), p. 6.

<sup>3</sup> Sec. 56 of the 1894 Act permits delegation of all powers, save finance, to the committees.

to rest upon a popular franchise. One of the principal hopes of the supporters of the Bill creating the county councils was that they should serve as intermediate authority between the central government and the local body. Power was given to the Local Government Board to transfer by provisional order (subject to approval of the department and authorities affected) to the county and county borough councils, certain of the powers, duties, and liabilities of the central government.<sup>1</sup> The subsequent history of this purpose will be left to another time.<sup>2</sup>

The Act of 1888 also transferred the police forces of boroughs under 10,000 to standing joint committees of the county councils and the justices. The maintenance of separate forces by towns under 20,000 had been discouraged for a number of years, and new formations were forbidden by Acts of 1877 and 1882.<sup>3</sup>

This same tendency toward larger units was responsible for drainage districts, water boards, joint boards, etc., which continued to be formed in England as in the United States.<sup>4</sup> Problems of a similar nature had begun to arise in connection with public utilities, and from time to time special Acts were granted extending the right of

<sup>1</sup> Sec. 4, 10, Local Government Act, 1888. For the Scottish plan (1889) providing for district committees of the county council, cf. Atkinson, *Local Government in Scotland*, pp. 93 ff.

<sup>2</sup> Cf. p. 209.

<sup>3</sup> Scotland (1889): the police of most burghs under 7,000 were transferred to the county councils (cf. *Report on Local Taxation (Scotland)* (Cd. 1067, 1902), p. 6). More regard was paid to the local patriotism of the Scottish burghs, but the tendency can be seen in the following figures:

Year.			Number burghs with separate forces.	Number earning grants.
1857	-	-	57	19
1868	-	-	48	38
1888	-	-	36	33
1901	-	-	33	33

(Figures from Atkinson).

<sup>4</sup> In 1882-3 there were 21 Joint Boards and 178 Drainage, Embankment, and Conservancy Boards (*Parliamentary Return No. 96, 1885*).

a municipality to conduct tramways, gas, or water services outside of their boundaries. In 1895 Parliament adopted a standing order declaring this to be their policy in the case of tramways.<sup>1</sup> There was no uniform principle underlying these Acts. Each case was apt to partake of the nature of an experiment.<sup>2</sup>

London government had been particularly complicated and unsatisfactory for many years.<sup>3</sup> The acquisition of more powers and duties by the Metropolitan Board of Works<sup>4</sup> pointed in the direction of a unification similar to that under the London School Board. However, the vested interests of the City of London had proved strong enough to block more than one effort at reform—not hesitating to use questionable methods to attain their ends.<sup>5</sup> About the middle of the decade charges of incompetence, and worse, against the Metropolitan Board of Works became insistent, and an investigation proved that these charges had considerable basis.<sup>6</sup> Thus reform could scarcely be delayed longer, and the creation of county councils furnished a convenient occasion for the inclusion of London in the general scheme. It was typical of the trend of the time toward larger areas, that while two opposing plans had from time to time been advocated for London government, the one which treated the large area as the natural unit of government, was adopted in preference to the proposition to create a number of

<sup>1</sup> Prior to 1895 eight such cases in tramways alone (Lowell, *Govt. of England*, vol. ii, pp. 25, 252).

<sup>2</sup> For Glasgow gas undertaking, cf. *Municipal Glasgow*, p. 122. Leeds and Bradford were not successful (Darwin, *Municipal Trade*, p. 148 f.).

<sup>3</sup> For description in 1874, cf. Brodrick, *English Local Government*, pp. 53 ff.

<sup>4</sup> e.g. the Artisans' and Labourers' Dwellings Act, 1875, had made it the duty of the Board of Works to clear areas unfit for habitation.

<sup>5</sup> Cf. Harris, *London and its Government*, pp. 58 ff.

<sup>6</sup> Ibid. p. 62 ; also Lowell, *Government of England*, vol. ii, p. 203 f. ; *Final Report of Royal Commissioners on Working of Metro. Board of Works*, 1889, pp. xxxix, 319.

decentralized units. Yet the City of London was exempt from the general scheme, in order to placate its opposition. It is also significant that the importance of the London County Council commanded from the start the services of men of remarkably high calibre.<sup>1</sup>

Nor could the confusion attendant upon the multiplicity of small local units but loosely related to the London County Council continue much longer.<sup>2</sup> A Royal Commission, reporting in 1895,<sup>3</sup> had recommended the strengthening of the L.C.C. and the creation of definitely subordinate but strong local units—one of which should be the old City.<sup>4</sup> No action was taken by Parliament until the London Government Act, 1899. Though this legislation was in the nature of a compromise (the City being left intact), matters were greatly simplified. The very size of the Metropolis tended to frighten away any plan except that of decentralization. To this was added the fear of the Conservative element of a strong metropolitan body, on account of the radical tendencies already shown by the L.C.C. The solution bears the further stamp of a partisan character due to Parliament's regard for the Conservative City.<sup>5</sup> The effect of the partisan element in the special legislation recalls the more frequent instances of the same thing in America.<sup>6</sup> A system of metropolitan boroughs was created, and to them were transferred the ordinary local government powers of the old vestries and boards, together with some powers from the L.C.C. itself.<sup>7</sup>

<sup>1</sup> Lord Rosebery (first chairman), Sir Thomas Farrer (later Lord Farrer), Sir John Lubbock (later Lord Avebury), John Burns, Sidney Webb, etc.

<sup>2</sup> Cf. Harris, *supra*. Transit difficulties were particularly aggravated.

<sup>3</sup> Cd. 7493, 1894. This contains a good outline history of changes in London framework.

<sup>4</sup> Cd. 7493, 1894. Cf. Harris, *London and its Government*, p. 64.

<sup>5</sup> Cf. Lowell, *Government of England*, vol. ii, p. 204 f. <sup>6</sup> Cf. p. 128.

<sup>7</sup> The 127 local authorities included 73 vestries, 12 district boards, 1 local board of health, 12 burial boards, 19 boards of library

The parallel efforts toward a more general treatment of the problem of poor relief than that furnished by separate action of the numerous London vestries and districts, were not developing so hopefully. The discrepancy of burden, which had led to the creation of the Metropolitan Common Poor Fund, had also resulted in successive transfers of portions of the expense. The chief of these had centred about indoor relief. This transfer the Local Government Board had sought to use as a lever to discourage outdoor relief, but with ultimately little success. Furthermore, there was unmistakable evidence that it was tending to create a policy of extravagance. The fundamental error was in allowing locally elected bodies a source of income from outside their constituency from which they might draw almost at will.<sup>1</sup>

§ 20. *Problem of adjacent areas.* The century closed with the framework of British urban government enjoying a simplicity which it had not known for some time. The few joint boards that had arisen represented, for the most part, a fairly satisfactory solution of an inherent problem of area.<sup>2</sup> However, one difficulty had shown commissioners, 10 boards of baths and washhouses commissioners. These were largely replaced by 28 metropolitan borough councils, and about the same number of boards of guardians (Clarke, *Local Govt.*, p. 371; *Lowell*, p. 212).

<sup>1</sup> In 1870 the maintenance of indoor paupers over sixteen was made chargeable to the Common Fund to the extent of 5d. a day per capita (cf. Mackay, *English Poor Law*, vol. iii, pp. 468, 493 f.). The efforts were at first successful in so far as they played a part in the reduction of London paupers from 52.3 (1870) to 26.7 (1880) per 1,000 of the population. For accounts of the breakdown, cf. Mackay, pp. 493 ff., 525, etc.; Webb, *English Poor Law Policy*, pp. 149 ff. Cf. also p. 246 below, for other factors.

POOR RELIEF (Mackay, p. 468) :

Year.	Total—London.	Per capita.	Total—Lancashire.	Per capita.
1861	- 832,155	£5 11 2	429,616	£3 5 8
1871	- 1,646,103	10 1 3	683,625	4 9 5
1881	- 1,907,155	9 11 9	782,766	4 5 8
1891	- 2,435,164	11 6 7	811,204	4 1 1

<sup>2</sup> Among those formed during the period was the Derwent Valley Water Board (1899). The Isolation Hospitals Acts, 1893, 1901,



itself that proved an increasing handicap in later years. There had been considerable growth outside the borough limits of suburban areas, economically and otherwise related to the larger unit. The freeing of the county borough from county jurisdiction meant added complications in placating the county, in the event of annexation.<sup>1</sup> During 1889-98 there were no less than forty extensions of county boroughs at the expense of the county.<sup>2</sup> Due both to the greatly increased expense of borough government and to the 1894 re-organization (in so far as it unified the government of those border areas), this absorption of the latter was more vigorously opposed than before. This forced a more extensive use of the policy of 'purchasing territory'—by offering to the annexed area concessions in the form of differential rates, etc.<sup>3</sup> The reasons for the greater seriousness of this problem in the United Kingdom than in the United States deserve close study, and must be left till they can be considered

permitted the formation of joint committees. According to the *Report on Local Taxation (Scotland)* (Cd. 1067, 1902), p. 25, there was still some confusion in Scotland.

<sup>1</sup> The creation of the independent county and county boroughs caused a feeling of resentment on the part of the non-county boroughs at their relative subordination to the county councils. For an analysis of their discontent, cf. Gomme, *Principles of Local Government*, pp. 103 ff. The problems which British cities were facing in connection with areas and boundaries are fairly thoroughly treated in the *Report of the Metropolitan District Commission to the Massachusetts Legislature* (1896).

<sup>2</sup> Including new county boroughs (*Minutes of Evidence, Royal Commission on Local Government, Part i, 1923*).

<sup>3</sup> Glasgow's difficulties considered in Atkinson, *Local Government in Scotland*, p. 77; Birmingham (1891, etc.), Bunce and Vince, *Birmingham*, vol. iii, p. 2; Bristol, Latimer, *Annals of Bristol*, vol. ii, pp. 15, 38; Stone, *Bristol*, p. 251—where forty-six authorities were replaced by three. According to Latimer, Bristol's 1894 project cost £4,300 to promote, and was successful. Opposition on the part of county councils, railroads, Corporation of the Poor, and territories annexed was sufficient to exclude all the wealthy districts; and the counsel of the city himself then withdrew the projects for the poorer districts. Part of the plan had contemplated a single school board and a single board of guardians for the district.

in their comparative aspect.<sup>1</sup> It is enough to indicate here that this (and the *ad hoc* bodies) remained the only considerable handicap to simplification of urban government. This problem of annexation was to assume greater importance as each year made the boundaries more inadequate. However, this did not materially affect the fact that, for the time being at least, the framework of city government had been sufficiently simplified to be understandable, and accordingly (within the powers delegated) capable of response to local public opinion.

## THE STRUGGLE AGAINST EXTRANEOUS FACTORS:

### II. CENTRAL RESTRAINT

§ 21. *Efforts toward greater flexibility.* The larger cities, in particular, seem continually to have felt the central restraint and control involved in a closely defined system of powers and duties, coupled as this was with a Parliament often too congested to give adequate notice to local affairs.<sup>2</sup> Prior to the attention paid local government in the '80's there had been a certain number of instances of recognition of the local point of view. Local veto was occasionally allowed over special legislation.<sup>3</sup> The opinion was at times expressed that the greater prestige of the Local Government Board might weaken local responsibility.<sup>4</sup> London especially was felt to be suffering from a multiplicity of central control in details<sup>5</sup>

<sup>1</sup> Cf. p. 505.

<sup>2</sup> Cf. Spalding, *Federation and Empire*, for a thorough study of this congestion. Cf. especially p. 70.

<sup>3</sup> Cf. footnote 1, p. 183, for veto on privately constructed tramways. Consent of local authority was required before the Local Government Board could combine unions for special purposes (Odgers, *Local Government*, p. 116).

<sup>4</sup> This opinion was particularly strong in Liverpool. (Cf. Webb, *English Poor Law Policy*, p. 146.)

<sup>5</sup> e.g. according to Brodrick, *English Local Government*, p. 57 f., the Local Government Board used its discretionary control in medical grants from the Common Poor Fund to insist upon matters so detailed as improvements in infirmaries, dispensaries, and payment of school fees for poor children. Ibid. p. 58 f., points out how the

—so that local initiative was undermined. It seems probable that the roots of the trouble which made such control almost necessary, were the unsound lines on which London government was constructed.

Though the process was recognized to be unnecessarily difficult and expensive, Parliament was fairly ready to grant special power to the more progressive cities through special Acts—in part due to the recognition of the importance of such effort in pointing the way to future general legislation.<sup>1</sup>

Yet so little had been done to meet the difficulties that, in addition to simplification of city government, there was apparent by 1880 a need for greater flexibility, particularly in the matter of new powers. The best evidence of this was the continued resort of local bodies to special treatment through local Acts—in spite of a difficulty and an expense unknown in the United States.<sup>2</sup> The growing complexity of urban life made the problem annually more serious. Fortunately local government now had many friends in Parliament.<sup>3</sup>

There were three possible remedies. These were 'home rule' (already appearing in the United States, but contrary to precedent of English parliamentary control); simplification of procedure; and devolution. Dependence in England was placed on the latter two. The provisional order granted by a government

police were wholly under central control and how the Local Government Board could nominate one-fourth of the guardians and of the Metropolitan Asylum District Board.

<sup>1</sup> The Borough Funds Act, 1872, facilitated expenditure from public money for private bills. For comprehensive account of the period, cf. Clifford, *History of Private Bill Legislation*.

<sup>2</sup> Between 1892 and 1898 promoting and opposing private bills cost the local authorities about £700,000 (Howe, *European Cities*, p. 321). In 1880, 173 Private Bills received the Royal Assent (*Decen. Returns*, P.P. 1880, lvi, 53).

<sup>3</sup> 'In Chamberlain's time in Parliament there were a number of men like him among the members, who understood local government conditions and were sympathetic' (Collins, 'Readjustment of Imperial and Local Taxation', *Political Quarterly*, No. 3, Sept. 1914, p. 102).

department on inquiry had had some vogue earlier, but was continually extended, especially in dealing with boundary alterations.<sup>1</sup> In such a case parliamentary responsibility was jealously guarded so that, while procedure was made easier and less expensive, a very real check was maintained against an excess of bureaucratic action.

Of a similar nature was the creation in 1882 of a Parliamentary Standing Committee on Police and Sanitary Regulations, to deal with the large class of private bills granting additional and exceptional powers.<sup>2</sup> It early established a conservative tradition of jealously watching over such grants to make sure that the reasons underlying each were ample. Thus, though the traditional distrust of local authorities was largely maintained, there was evident an effort to make Parliament more responsive to peculiar and urgent local needs. In the '90's even a private Act was not usually a very great obstacle to the larger cities, and the promotion of a private bill of an omnibus character became an almost annual habit with the more progressive towns.

Especially after 1890 there was an important increase in the number of the adoptive and permissive Acts, whereby Parliament sought to make available powers adequate to the needs of the towns. The list was a long one, and represented only one phase of a well-marked later trend of parliamentary thought toward the fostering of local government.<sup>3</sup>

<sup>1</sup> Cf. Private Bill Procedure (Scotland) Act, 1899. The Act and its effects are well summarized in Atkinson, *Local Government in Scotland*, pp. 364 ff.

<sup>2</sup> Bannington, *Public Health Administration*, p. 26.

<sup>3</sup> e.g. Baths and Washhouses Acts, 1846 to 1899; Private Street Works Act, 1892; Infectious Diseases (Prevention) Act, 1890; Infectious Diseases (Notification) Extension Act, 1890; Public Health Acts Amendment Act, 1890 (included optional powers over music, dancing, science); Cleansing of Persons Act, 1897; Notification of Infectious Diseases Act, 1899 (local authorities to add to list notifiable, with Local Government Board approval); Museums and Gymnasiums Act, 1891. Note also the Clauses Acts of the '40's.

While creating numerous difficulties, the existence in the United States of so many separate state jurisdictions had at least resulted in a compliance with local or sectional traditions and needs, that would have been impossible had city government been under a single Parliament or administered by a single set of central boards. In the United Kingdom, Ireland had usually been subjected to separate treatment—such treatment, so far as local government was concerned, usually disadvantageous compared with that accorded to Great Britain.<sup>1</sup> The case of Scotland was quite otherwise, and it complained, not of unfavourable legislation, but of neglect through parliamentary congestion.<sup>2</sup> To meet this situation there was transferred in 1885-7 to independent Scottish offices virtually all of the remaining branches of local administration.<sup>3</sup> This marked the greatest single step of administrative devolution, and aimed at allowing Scotland a flexibility in meeting local needs that otherwise would have been very difficult. An interesting parallel effort resulted in the Welsh Intermediate Education Act of 1889.<sup>4</sup> Most of the various Acts relating to local government that were passed during the decade continued to apply to England and Wales only; and supplementary Acts were usually passed somewhat later for

<sup>1</sup> e.g. cf. pp. 169, 180, etc.

<sup>2</sup> Atkinson, *Local Government in Scotland*, p. 370, etc. Between 1861 and 1890 the percentage of legislation relating to Scotland had steadily declined (Spalding, *Federation and Empire*, p. 55).

<sup>3</sup> Secretary for Scotland Acts, 1885-9 (48-49 Vict., c. 61; 50-51 Vict., c. 52). The Scottish Local Government Board replaced the Board of Supervision in 1894.

<sup>4</sup> In every county and county borough a Joint Education Committee was constituted, three nominated by the authority and two by the Lord President of the Privy Council. Administration in the county boroughs was placed in the hands of a single governing body on which the Joint Committee was represented. A rate might be levied not to exceed  $\frac{1}{2}$ d. in the £, supplemented by a Treasury grant. Cf. Balfour, *Educational Systems*, p. 189.

Scotland and Ireland, with the alterations necessary to adapt them to local conditions.<sup>1</sup>

In general there seems to have been less distrust of the localities, and more of an effort looking toward the establishment of local freedom, than at any time since 1870. Instances of restraint or supervision can be grouped for the most part into two classes. Neither type was new, albeit both were now more clearly defined. In the first place, though yielding somewhat toward the end of the century, there was the desire to safeguard the interests of industry or property. Thus, though municipal trading powers were quite freely extended to the monopolistic industries, the list of powers of competition denied was a long and significant one.<sup>2</sup> More serious, as well as more questionable, were the continued checks on land taxation or acquisition.<sup>3</sup>

§ 22. *Drift toward administrative centralization.* A very real effort was initiated in 1888 to constitute the county councils intermediate supervisory authorities to which many of the powers of the Local Government Board could be transferred. The only considerable attempt to carry this out was blocked, not by the Local Government Board, but by the various small local authorities who feared partiality in the county councils

<sup>1</sup> Local Government (Scotland) Act, 1889; Local Government (Scotland) Act, 1894; Local Taxation Returns (Scotland) Act, 1881; Burgh Police (Scotland) Act, 1892. Irish local government and finance were not reorganized till 1898.

<sup>2</sup> Including: a cycle track; construction of dynamos; apparatus for games and charge for use; omnibuses; steamboat service bathing machines; advertising; supplying sea water; insurance constructing shops; lodging houses; acquisition of patent rights managing public houses (Darwin, *Municipal Trade*, p. 21).

<sup>3</sup> Sec. 166 of the Public Health Act, 1875, granting the local authorities power to provide markets, made this conditional upon non-interference with existing privileges. Of a similar nature was the action of the House of Lords in 1893-4, when it threw out a clause in the London Improvements Bill authorizing assessment of part cost of certain improvements on neighbouring property. The House of Commons refused to accept this amendment and the bill lapsed (Shaw, *Municipal Government in Great Britain*, p. 287).

and who also felt that the central departments would be more expert.<sup>1</sup> The minutes of the Association of Municipal Corporations at this period are full of successful protests against such a course.<sup>2</sup>

Under the 1888 Act, Parliament surrendered its opportunity annually to review local budgets, in so far as the Local Taxation Account was substituted for the Exchequer Grant. Policies of central administrative control differed—often illogically—as between services, or even within services.<sup>3</sup> For the most part, the departmental traditions were maintained; but the tide of opinion seems to have turned toward a greater local autonomy. The opportunity of 1888 for a trial of this on a comprehensive basis was doubly thwarted. In the direction of the devolution upon an intermediate authority the opposition was by the local authorities themselves. In the case of the financial proposals, efforts at local autonomy failed through Parliament's absence of consideration for other than economic issues.

Moreover, there was a growing tendency clearly to demarcate between local powers and national duties locally administered<sup>4</sup>—furnishing a considerable contrast to the illogical obscure policy in the United States. In

<sup>1</sup> Mr. Ritchie brought forward a bill to confirm a provisional order for such a transfer in 1889 (Bannington, *Public Health Administration*, p. 292). (Cf. *Hans.* (1888), vol. 323, p. 1643; (1897), vol. 48, p. 451 f.)

<sup>2</sup> At the 1891 Annual Meeting resolutions were passed objecting to the subordination of the non-county boroughs to the county councils in sale of inflammable liquids and in the Technical Instruction Grant (*Minutes A.M.C.*, 1891). At the 1892 Annual Meeting the attitude regarding technical education was re-affirmed, and similar attitude expressed toward the Small Agricultural Holdings Bill. This last was respected (*Annual Report A.M.C.*, 1893, pp. 29, 31). On p. 32 of the same Report there is a good summary of their 'constant opposition to any powers being granted county councils over boroughs. If centralization were necessary the Local Government Board was preferable.'

<sup>3</sup> In the Administration Acts the control broke down for several years.

<sup>4</sup> Cf. *Hans.*, vol. 41 (1896), pp. 1443, 1694, etc.

the United States the instinct had been in the direction of local autonomy in both classes of services, while in England earlier distrust of local bodies had often caused central administrative supervision of matters which would seem to be purely local. There was a movement somewhat away from this latter, as thought became clearer. But poor law, education, and (to a less degree) police continued to be supervised closely.

At the same time the Local Government Board very definitely fell into disfavour. Among other matters, its dilatory conduct under the Housing Act of 1890 had by 1898 been a factor in holding up any increase of appropriation until a departmental committee investigating it reported favourably.<sup>1</sup> It is true that some Acts gave the Board a further measure of control; but, generally speaking, only in matters that seemed of national importance, where powers were converted into duties, were the central departments endowed with control.<sup>2</sup>

Yet it must not be thought that English cities even approached the administrative autonomy accorded to American cities, for in the latter even matters of national or state concern were left almost unsupervised. The check on American city activity was due to 'administration by statute', or legislative interference. From this British cities, save London, were fortunately spared. On what seemed to be sounder lines the policy was followed of establishing a national minimum in services of national importance.

Further matters concerning administrative centralization

<sup>1</sup> *Hans.* (1897), vol. 48, p. 451 f.; (1896), vol. 44, pp. 401-433. Cf. Lowell, *Government of England*, vol. ii, p. 293. Included in the criticisms were other instances of delay, such as one of three years in dealing with a boundary alteration (*ibid.* p. 401 f.). Even after the staff of the L.G.B. was increased, the complaints of delay continued (*Hans.* (1898), vol. 64, pp. 667 ff.).

Cf. also Redlich, *Local Government*, vol. ii, p. 255.

<sup>2</sup> Infectious Diseases (Notification) Act, 1889; Public Health Amendment Act, 1890; Isolation Hospitals Act, 1893; Infectious Diseases (Prevention) Act, 1890.



are inextricably interwoven with the financial and functional changes of the latter half of the period; and their treatment will be deferred till these changes are considered.<sup>1</sup> In general central departmental control played only a minor part as regards the larger borough councils.

## THE STRUGGLE AGAINST EXTRANEOUS FACTORS:

### III. STRINGENT FINANCE

§ 23. *The struggle in the '70's for relief of rates.* Financial stringency due to the growth of functions was continually a subject of major interest in parliamentary and local discussions of municipal government. The contrast with the American policy in meeting rising expenditure is as remarkable in its omissions as in the actual steps taken. Only isolated instances occur of limitation of rates or debt by statute<sup>2</sup>—for 'faith in the automatic' was not very strong in England. Perhaps more significant was the fact that there was but little development in local budgetary procedure or control.<sup>3</sup> The average English city had evolved in the large council with its multitude of committees no really powerful and effective centre of control, which it might make responsible for the type of service performed by the American board of estimate, or by the mayor and controller. The American

<sup>1</sup> Cf. pp. 238, 247.

<sup>2</sup> Technical Education Act, 1889, 1d. rate; Welsh Intermediate Education Act, 1889, 1d.; limitations on rates for public libraries not removed till Public Libraries Act, 1919. Such limitations were fairly frequent in Ireland to protect the landed interest. e.g. 2s. under Public Health (Ireland) Act, 1874 (amending the Town Improvement (Ireland) Act, 1854); Lighting and Cleaning Act, 1829; Dublin's 'improvement rate' (Hancock, *Local Government and Taxation in Ireland*, p. 204). According to Webb, *Municipal Govt. in Ireland*, certain restrictions were removed in 1874.

Scotland, Burgh General Assessment, 2s.; Scotland, combined sewer and water rate, 4s., except by Local Government Board permission (*Report on Local Taxation (Scotland)* (Cd. 1067, 1902), pp. 68, 71).

<sup>3</sup> Cf. p. 243.

city, having made its executive independent, proceeded to endow him with more powers over finance and held him responsible. With all the many faults of the American system, it had begun to develop at least this advantage.

During the '70's relief of the situation in England was sought along various lines. There existed a serious confusion in the rating system, and some minor efforts were made to remedy anomalies.<sup>1</sup> Relief was extended to certain classes of ratepayers on the principle or canon of 'rating according to benefit received'. It was not felt that area furnished a fair criterion of this, and hence there was incorporated in the 1875 Public Health Act what previously had been partially accepted—namely, the provision that agricultural land, railroads, etc., should be rated at only one-fourth of their value for the purposes of the district rate.<sup>2</sup>

The most characteristic method of meeting rising costs was to renew the struggle for relief of rates through central subventions—a type of effort which played only a minor part in America. The issue had been a more or less chronic one from earlier times, but the increase of rates foreshadowed by the legislation of 1870-74 had brought a crisis in the discussion. The principle of relief to the poor districts, forced to the front by the glaring inequalities,<sup>3</sup> received less emphasis than in the

<sup>1</sup> Rating Act, 1874, extended the powers of rating to include occupiers of mines, land not subject to rights of common, etc. 'The great variety of rates levied by different Authorities even in the same area, on different assessments, with different deductions, and by different collectors had produced great confusion and expense.' (H.C. 470, 1870, quoted in *First Report on Local Taxation* [Cd. 9141, 1899], p. 38.)

<sup>2</sup> Public Health Act, 1875, sec. 211. Did not extend to borough rate (Brodrick, *Local Government in England*, p. 47). For Irish system, cf. Hancock, *Local Government and Taxation in Ireland*, pp. 215 ff.

<sup>3</sup> An extreme instance cited in McNeil-Caird, *Local Government in Scotland*, p. 142, was the first school rate in Scotland (1872-3), which varied between  $\frac{1}{2}$ d. and 1s. 6d. Cf. the 'small population' grants of 1876 and 1880 for schools explained in Webb, *Grants in Aid*, p. 69.

[Footnote continued overleaf.]

United States. The debates and reports during the early '70's on the question of relief in general, were peculiarly illuminating as to the interests at stake, economic and otherwise.<sup>1</sup> By no means always as clearly expressed as in some of the later discussions, the issues were still remarkably similar. In 1870 the 'country party' found the representatives of the city owners and occupiers joined with them in a demand on the government, which resulted in the Goschen Committee to inquire into 'the progressive increase of local taxation, with special reference to the proportion of local and Imperial burdens borne by the different classes of real property in the United Kingdom, as compared with the burdens imposed upon the same classes of property in the European countries'.<sup>2</sup> This resolution incorporated two of the standard grievances: (1) many of the local expenses were for 'Imperial' purposes; and (2) real property was bearing an unfair proportion of the whole. Subventions were held to be, not only a just contribution of the Imperial Government towards its own work, but also a means whereby personal property might share in local expense. The principal opposition to this course came quite largely from those who felt that all subventions were 'doles'. There was apparently little appreciation of any effect on the vigour of local government, save perhaps a fear that any central aid would act as a stimulus to seek further aid in the future. Underlying much of the discussion could be noted a struggle between owner and occupier with regard to division of the burden.<sup>3</sup>

Under the Education Act, 1870, supplementary grants were extended to areas where the product of a 3d. rate was less than £20 or 7s. 6d. per child (Balfour, *Educational Systems*, p. 20 f.). The Common Poor Fund of London was also designed to equalize the burdens (cf. p. 203).

<sup>1</sup> Cf. Redlich, *English Local Government*, vol. i, pp. 160 ff.

<sup>2</sup> H.C. 470 (1870).

<sup>3</sup> This was a factor in the abandonment of Mr. Goschen's proposal (1871) to transfer part of the inhabited house duty, which he had linked with a proposal for a division of rates between owner and

Through it all might be traced the stubborn resistance of the vested interest of landed property against what it considered to be encroachments on its legitimate expectation of income—through this increased local taxation by the democratically elected boards. Hence, in spite of the report of the Committee,<sup>1</sup> this movement was a material factor in the change of government, and in 1874 it secured some measure of what it wanted through further central subventions for pauper lunatics, police, and in lieu of rates on government property.<sup>2</sup> In 1877 prisons were transferred to the central government.<sup>3</sup> By 1879 a Royal Commission on Agricultural Depression again raised a plea for further subventions, and the entire issue was renewed.<sup>4</sup>

During these early years one is impressed with the obscurity surrounding the incidence of local rates. The absence of authoritative pronouncements on this, as on most questions of diffused incidence, naturally led each party concerned to exaggerate its own share of the burden.

occupier (Cannan, *History of Local Rates*, p. 141). This question was also very acute in Ireland where (1873) rates were still divided between owner and occupier (Hancock, *Local Government and Taxation in Ireland*, pp. 204 ff., 220).

<sup>1</sup> Summary of Report (H.C. 470, 1870) taken from *Memo. on Imperial and Local Taxes* (Cd. 9528, 1899), p. 16: (a) Increase of local taxation, though less than in other countries, was very great. (b) In thirty years rates had doubled—£8,000,000 to £16,000,000. (c) £6,500,000 of increase had fallen on urban districts, 2s. 8d. of increase due to poor rate, 5s. 8d. to town improvements, and most of remainder to police. (d) Rateable value had correspondingly increased, chiefly in urban districts. (e) The burdens on land were less than in most countries and had not increased.

<sup>2</sup> For a good account of these changes and the events leading up to them, cf. Grice, *National and Local Finance*, pp. 49 ff. Subventions were (a) 4s. per head for lunatics, (b) police grant increased from one-fourth to one-half of pay and clothing, (c) compensation in lieu of rates on government property extended to all parishes, not simply to those with more than one-seventh government property. This increase was about £1,000,000 in all for England and Wales.

<sup>3</sup> Prisons Act, 1887, Scotland and Ireland included.

<sup>4</sup> For a brief *résumé* of the debates of this period, cf. *Memo. on Imperial and Local Taxes* (Cd. 9528, 1899), pp. 15 ff.

Hence arose much of the vigour of the demand for relief, in which all parties acquiesced. This resulted in subsidies increasing from £1,146,092 in 1872-3 to £2,236,281 in 1875-6 and £3,388,999 in 1885-6.<sup>1</sup> Out of it all as a consequence certain habits of thought on the more strictly political side were confirmed—the feeling that certain services were of national rather than local concern; a belief that the central government ought by right to subsidize the localities, an emphasis on the ‘sanctity of property rights’. The relief itself had a further reaction of perhaps greater importance—the assumption that central control was a corollary of central relief.

§ 24. *The situation prior to 1888.* Nothing to approach a comprehensive solution of this financial problem has even yet been made, though perhaps the nearest approach to adequacy came in 1888. In this, as in so many other instances of measures largely conceived, the original motives were lost in the compromises that were made before the plans were passed in their final form. However, there was a gain in clarifying the principal elements of the question.

It is significant that economic rather than sound political considerations dominated the final legislation. To the disregard of the latter must be attributed a large measure of the relative failure to obtain an ultimately satisfactory arrangement.

The points of discussion had not changed materially from those of the early '70's. They again arose chiefly out of a conflict between various groups to bear as little as possible of the expense.<sup>2</sup> ‘Real property’ struggled against any threatened encroachment upon its income by raising the plea that personal property ought to bear a larger share of the local expense. This was countered

<sup>1</sup> Ibid. pp. 24-6 (England and Wales only).

<sup>2</sup> Cf. *Memo. on Imperial and Local Taxes* (Cd. 9528, 1899), p. 19, etc.

by the argument of Gladstone and others that the burdens were hereditary, and in general that it was unfair to put further burdens upon labour to relieve capital. Then, too, it was insisted that local rating for national purposes was unfair. This was met by the argument that the alternative policy of subventions led to extravagance.<sup>1</sup>

Minor issues—each representing a different economic interest—continued to arise and affected the main considerations mentioned. Such were the old struggles as between owner and occupier, and between country and city. The city was now re-enforced by evidence which showed that its increase in expense since 1868 had been much greater than in the rural districts. The Fowler Report, issued in 1893, showed that there had actually been a decline in the average rural rate from 2s. 7½d. to 2s. 3d.; while the London rate had increased from 4s. 4½d. to 5s., and the average rate throughout England from 3s. 4d. to 3s. 8d.<sup>2</sup>

The outcome of it all was that every one united in viewing with alarm the growing 'burden of the rates'; and every locality, while usually wanting more money, was unanimous in seeking it from some source other than an increase in the rates. The cry of the time was that 'the localities were at the end of their resources'.<sup>3</sup> Why, broadly speaking, the American cities were willing to bear their own burdens, while the English boroughs always sought to shift them, furnishes a comparative study which goes deeper than any mere psychology of the voter, and seems to involve primarily the incidence of the respective local rating systems.<sup>4</sup>

Even in the closing years of the '70's it had been noted that the clamour for rate relief was again rising.

<sup>1</sup> Particularly was the increase in the expenditure for police and lunacy noted.

<sup>2</sup> H.C. 168, 1893. Summary.

<sup>3</sup> For hampering effect on Glasgow, cf. *Municipal Glasgow*, p. 56.

<sup>4</sup> This is developed in ch. x.

During the early years of the '80's it became more insistent, as the pressure of the education rate began to be felt. This rose between 1880 and 1890 from £1,784,763 to £3,527,369.<sup>1</sup> Gladstone had always deprecated the 'clutching at the Exchequer' on the part of the local authorities; and insisted that reform of local government should precede any revision of the financial arrangements.<sup>2</sup> When the time came for such a revision, he felt that it should take the form of transfer of carefully selected revenues to the local authorities, so that their financial accountability to the electorate might be strictly maintained. The principal fault with his government lay, not so much with the policy, as with the procrastination and temporizing that prevented it being carried out. The delay was in the face of ominous warnings from the House that the situation could not long endure as it was. It was not surprising that in 1885 his government fell as the result of an adverse vote on a proposed amendment that 'further measures of relief were due to ratepayers in respect of local charges imposed on them for national services'.

In 1887, when a stable government had finally been formed, the question of rate relief and local government reform naturally held the centre of attention. Preliminary relief in the shape of doubling the highway

<sup>1</sup> Balfour, *Educational Systems*, p. 291. Figures are for Great Britain, exclusive of technical education, Welsh intermediate education, etc. Irish local rates for education were negligible.

<sup>2</sup> Cf. also his election address at Midlothian (1885), part of which is quoted in *Memo. on Imperial and Local Taxes* (Cd. 9528, 1899), p. 19. 'In the reform of local government, the first objects to be aimed at, in my judgment, are to rectify the balance of taxation as between real and personal property; to put an end to the gross injustice of charging upon labour, through the medium of the Consolidated Fund, local burdens which our laws have always wisely treated as incident to property; to relieve the ratepayer, not at the charge of the working population, but wholly or mainly by making over for local purposes, wisely chosen items of taxation; to supply local management with inducements to economy, instead of tempting and almost forcing it into waste; finally, and most of all, to render the system thoroughly representative and free.'

grant was almost immediately extended, but not until 1888 was the question taken up in a comprehensive way.

§ 25. *Mr. Goschen's plans.* The financial changes of 1888 and of the years immediately following have occupied a large place in subsequent discussions of local government.<sup>1</sup> Opinions have differed widely as to their importance and as to the soundness of the principles underlying them, though there has been virtual unanimity in condemning the resultant confusion in finance and the failure to satisfy local claims. Much of the criticism has been determined by a writer's preconceived views upon the grant-in-aid or kindred controversial questions. At this point an attempt will be made to eliminate as far as possible debatable matters and to confine the treatment to an analysis or chronicle of the facts.

The general situation, both in local government and in Parliament, has already been indicated.<sup>2</sup> The non-inclusion of education finance in the immediate changes seems to be accounted for by the continuance of the feeling that this was a problem almost exclusively of national interest. It was tacitly assumed in discussions and reports that it scarcely concerned local government at all.<sup>3</sup>

There appear to have been in the mind of Mr. Goschen four principles<sup>4</sup> which he attempted to combine

<sup>1</sup> Best accounts are in :

Grice, *National and Local Finance*, pp. 80 ff.

Cannan, *History of Local Rates*, pp. 138 ff.

Atkinson, *Local Government in Scotland*, pp. 336 ff.

*Memo. on Imperial and Local Taxes* (Cd. 9528, 1899), pp. 19 ff.

Collins, 'Imperial and Local Taxation', in *Political Quarterly*, No. 3, Sept. 1914, pp. 97 ff.

Webb, *Grants in Aid*, deals primarily with the effects.

Redlich, *Local Government*, vol. i, pp. 198 ff.

<sup>2</sup> *Supra*, pp. 216, 188.

<sup>3</sup> *Hans.*, vol. 323, pp. 1641 ff. Mr. Ritchie (Pres. of the L.G.B.) did not mention education in introducing the bill. In reply to questions (vol. 323, p. 1694 ; 327, p. 248) he said 'it was not proposed to deal with the question in this bill'.

<sup>4</sup> Cf. Farrer, *Mr. Goschen's Finance*, var.



in the original plan for financial re-arrangement. In the first place, there was the point of view of the Exchequer. There had been a growing feeling of resentment at the element of uncertainty introduced into the annual budget by the increasing demands of the local authorities for relief. He planned accordingly to earmark and separate certain definite sources of revenue, the proceeds of which were to form the Local Taxation Account whence the grants were to be paid. This would also obviate the appearance of the same items in both the central and the local accounts.

In the second place, he proposed that the amount of the Local Taxation Account should be such that a substantial relief would be extended to the local authorities. Allocation should provide somewhat greater relief for the poorer districts.

In the third place, he attempted to meet the criticism that real property bore an unfair share of local expense, by including proceeds of the probate duty in the assigned revenues.

Finally—though by no means the dominating factor—there was a very real attempt to arrange the plan along the lines of the simple principles of local government. The grant-in-aid was to be abolished. Local responsibility for all finance was to be restored. In particular, wherever possible, the assigned revenues were to be locally collected and subject to local autonomy within limits as to their amounts.

Had these four principles been consistently carried out, the further development of British cities in matters of finance, and perhaps central control as well, might have been more similar to developments in the United States, and in certain respects to those in Germany. It is not proposed at this point to express an opinion as to the desirability of such a course.

§ 26. *The 1888 changes.* True to British precedent on measures of great importance, Parliament exercised

its right of debate and criticism.<sup>1</sup> Thus the plan as it passed into legislation underwent substantial changes; and in the introduction of new and often contradictory elements, the original simple lines were lost.

The central departments succeeded in making the restoration of complete local financial responsibility a fiction, through the insertion of provisions that many of the payments from the Local Taxation Account could only be upon certificate of the department concerned that the local authority had complied with the departmental regulations. It has been suggested that this was through influence with the draftsman.<sup>2</sup> In the case of police, for instance, a fine might be imposed of one-half of the cost of pay and clothing.

More serious in the resultant confusion was the degree to which different economic interests modified the bill. The creation of county boroughs subsequent to the original plan, made necessary a rather ill-considered plan for relating county and county borough grants.<sup>3</sup> The plan whereby licences should be locally collected and varied was eliminated, partly through the pressure of the liquor interests.<sup>4</sup> The greatest conflict was over the method of distribution of the funds. So many plans were proposed that the matter ended in confusion through each member representing the interests of his own constituency. Thus a muddled settlement was adopted, which seemingly lost sight of national lines. The dragging of the discussion so delayed matters that it

<sup>1</sup> *Hans.*, vol. 323, pp. 1694 ff.; 326, pp. 1554 ff.; etc., etc. Cf. also vols. 324, 327, 328, misc.

<sup>2</sup> Atkinson, *Local Government in Scotland*, p. 336 f.

<sup>3</sup> Cf. *Report on Local Taxation* (Cd. 638, 1901), p. 19. The government, under pressure from the boroughs, reduced the county borough limit from 150,000 to 100,000, and then to 50,000 population. (*Hans.* vol. 326, pp. 1554 ff.)

<sup>4</sup> Atkinson, pp. 264 f., 338 f. Local Taxation Act, 1890. Customs and Excise Act, 1890, for details of the use of 'whiskey money' for technical education.

finally made necessary hurried and supposedly temporary arrangements in order to secure passage of the bill.<sup>1</sup>

§ 27. *Weakness of the solution.* To pass for a moment from the strictly historic to the more controversial aspects; one may note first of all that, whether it was a sound one or not, the plan as originally conceived represented a *system* with fairly appropriate constituent parts. It is in matters of this kind that the weakness of a parliamentary system based on compromise appears. Once compromise is introduced into any one of the four component and complementary parts previously mentioned,<sup>2</sup> the entire system is weakened and may be negated.

This is the thought that must be borne in mind in any estimates of the results or significance of the Act as finally adopted. It failed as a whole largely because Parliament allowed economic considerations to override the fourth (i.e. the political) consideration. Almost every new element introduced was of this nature. The ultimately significant changes then may be tentatively suggested as following three lines. First, there was the larger amount of relief extended, an increase between 1885-6 and 1891-2 from £5,775,523 to £10,927,020, or from 15 per cent. to 24 per cent. of local expenditure.<sup>3</sup> Secondly, the relief was rendered ultimately less effective because it stereotyped a number of unsound methods of distribution.<sup>4</sup> This was directly the outgrowth of the claims of different interests. Thirdly, the confusion that had obscured local finance was made worse because of the failure to carry out consistently the separation of revenues; because various functions were treated differently; and

<sup>1</sup> For consequences of the haste, cf. Cannan, *History of Local Rates*, p. 153.

<sup>2</sup> p. 219 f.

<sup>3</sup> Cf. *Memo. on Imperial and Local Taxes* (Cd. 9528, 1899), pp. 24-6. This includes Scotland and Ireland. In England and Wales the increase was from £3,388,999 to £7,414,667.

<sup>4</sup> Cf. Cannan, *Local Rates*, pp. 147 ff., for details.

because, by a mass of detail, local accounts were greatly complicated by items appearing twice, etc.<sup>1</sup> In addition local responsibility was limited through retention of departmental veto on many of the grants.<sup>2</sup> Finally, legislation was on different lines for the different sections of the Kingdom.<sup>3</sup>

Thus the ultimate effect was not very great. The localities were dissatisfied with amount of aid received and soon renewed their complaints.<sup>4</sup> The central departments continued their leverage. The confusion and obscurity were kept in both central and local finance. The legislation may be regarded as a commentary upon the weakness of the parliamentary system in its dealings with local affairs.

'If amongst these doings and misdoings I were to make a guess at the one which is likely to be most fatal to Mr. Goschen's reputation as a statesman; it is—that having had such an opportunity, as does not occur once in a century, of establishing the wholesome old English principle of local self-government by a self-supporting system of local finance and local self-taxation, he has preferred the easy and cowardly plan of subsidizing local bodies by doles from Imperial funds, ill selected, ill applied, and ill distributed—doles demoralizing at once to the giver and to the receivers.'<sup>5</sup>

<sup>1</sup> e.g. Grants that were paid to county authorities for distribution to the smaller units appeared in the accounts of both. The grant of half cost of pay and clothing of police appeared twice in the same account through provision which required its transfer from one heading to another.

<sup>2</sup> Police, medical officer of health, lunacy, etc.

<sup>3</sup> For Scotland, which was on similar lines, cf. *Report on Local Taxation (Scotland)* (Cd. 1067, 1902), pp. 9, etc.; Atkinson, *Local Government in Scotland*, p. 338. Ireland was given an additional annual grant of £40,000 by way of compensation (Cd. 9528, 1899, p. 20 f.); also 9 per cent. (1890) of the death duty (probate) grant and of the beer and spirit surtaxes (*Report on Local Taxation (Ireland)* (Cd. 1068, 1902), p. 9).

<sup>4</sup> Cf. p. 243.

<sup>5</sup> Farrer, *Mr. Goschen's Finance*, p. viii.

§ 28. *Absence of local self-reliance.* In turning from the major events of 1888 to a final survey of the city finance of the time, one is again impressed by the fact that (unlike American experience) local self-reliance played little or no part in meeting the crisis. The 1882 Act had attempted to supply the need of an independent audit by a resort to the method of popular election for an office by its nature requiring skill.<sup>1</sup> There had been little, if any, positive result, and the cities appeared as far as ever from grappling with budgetary control in the comprehensive way being made possible by the mayor-executive in America.<sup>2</sup>

A further indication of the desire to avoid the burden of current expenditure can be seen in the great acceleration in the growth of loans. The period of repayment was apt to be long. Loans were generally sanctioned by Parliament or a government department, nominally upon the facts in each case. Not only was the payment deferred of much that in America was considered current expense, but the responsibility for determination as well as limitation was largely denied the local authority. The efforts were continued to provide loans through the medium of the central authority at a rate cheaper than the cities could obtain credit in the open market.<sup>3</sup> A number of provisions in different Acts stipulated the maximum length of such loans, but more important than this they prescribed that approval of the central department concerned or of the Local Government Board was

<sup>1</sup> Municipal Corporations Act, 1882, sec. 25-28, 62.

<sup>2</sup> In Sheffield the method of 'cutting down' consisted simply in blind votes 'for a reduction of, say, £10,000 in a particular vote; . . . Upon the chairman of that committee appealing to the mover of the resolution to specify which item or items in the detailed estimate were to be reduced, he would be told that he must "cut his coat according to his cloth".' (Wilson, 'Administration in Sheffield', in *Political Quarterly*, No. 3, Sept. 1914, p. 88.)

<sup>3</sup> Public Works Loans Act, 1875.

necessary for the loan itself.<sup>1</sup> The detailed supervision which this entailed was so annoying to many of the more vigorous cities that they early began the policy of avoiding the departments, and of seeking borrowing powers direct from Parliament through the medium of a local Act.<sup>2</sup>

The net result of this type of supervision seemed to be negligible in restraining the growth of loans; though doubtless the average individual loan was on sounder and more logical lines than in the United States. It will be remembered that the states of the latter had begun to restrict the terms of each loan and the total amount of all loans of a single city—while leaving it largely to the city itself to determine how and for what purpose any loan should be raised.<sup>3</sup> The subsequent course of the two policies forms an interesting comparative study. The greater success of the American method can be indicated by the per capita figures of the two countries for the period.

Year.	United States (local).			England and Wales (local and county).		
	Loans outstanding.	Per capita.	(Approx.)	Loans outstanding.	Per capita.	(Approx.)
	\$	\$	£ s. d.	£	\$	£ s. d.
1870	328,000,000	8.51	1 14 9	60,000,000 (1867-8)	13.35	2 14 6
1880	724,000,000	14.48	2 19 0	136,000,000	25.95	5 6 2
1890	781,000,000	12.40	2 10 8	201,000,000 (1890-91)	33.95	6 18 7
1900	1,433,000,000 (1902)	18.40	3 15 0	294,000,000 (1899-00)	44.94	9 3 6

<sup>1</sup> Cf. Public Health Act, 1875, sec. 234. (a) The maximum length, sixty years. (b) Maximum (except by Treasury sanction) from Public Works Loans Commissioners, twenty years. (c) Total outstanding loans (under the Act) must not exceed two years assessable value. (d) A local inquiry must be held for loans in excess of one year assessable value.

<sup>2</sup> Cf. Ashley, *Local and Central Government*; Bannington, *Public Health Administration*, p. 260; Odgers, *Local Government*.

<sup>3</sup> Cf. p. 70.

Thus while English local government increased its per capita debt between 1880 and 1890 by £1 12s. 5d. (\$8.00), America decreased hers by \$2.08 or 8s. 4d.<sup>1</sup>

In conclusion, the financial aspect of the decade is of peculiar interest. In the mixture of various economic and political forces making up the financial aspect of the decade one thing seems to emerge—that for some reason, whether justifiable or not, the localities showed a conspicuous unwillingness to grapple with their financial problems on a self-reliant basis. In part this must be attributed to the ratepayer's psychology; in part, to the lack of a strong co-ordinating agency within the local council; and in part, to the failure of Parliament (which had insisted so many times on its ultimate responsibility) so to legislate along local self-government principles as to foster this local self-reliance. The three considerations will appear from time to time until opportunity offers to analyse them more completely through an appreciation of their development in the two countries since

#### CITY SELF-GOVERNMENT—THE OPPORTUNITY AND ITS USE

§ 29. *The situation favourable to self-government.* The consideration thus far would seem to point to the fact that at no time in recent years was there such a combination, as about 1890, of simplicity of authorities, of approximation of boundaries to city needs, of flexibility and ease in obtaining and adapting powers for local use, and of a Parliament consciously engaged in fostering local government and responding to local initiative. To

<sup>1</sup> Table [on preceding page] developed from data in Montague, *Local Administration in the U.S. and U.K.*; Fairlie, *Municipal Administration*, p. 331; Hollander, *Financial History of Baltimore*, p. 2; Darwin, *Municipal Trade*, p. 96; *Fowler Report* (H.C. 168, 1893), pp. xlix-liii.

In this table the greater percentage of the population in England exclusively urban is a major factor: cf. table, p. 396, where this factor is discounted.

<sup>2</sup> Cf. pp. 550, 515, 589.

this combination was added a very considerable release from financial strain by the 1888-1891 grants. The results of a situation so favourable to city self-development furnish an interesting and instructive study.

Moreover, local freedom varied as between functions; so that even within the decade there is a chance for a certain amount of comparative study.

§ 30. *Growth in municipal trading.*<sup>1</sup> The earliest efforts of the '70's as regards municipal trading had been more or less associated with the conception of the city as the health and sanitary authority. This had been a factor in the municipalization of the water works and markets. Municipal gas was an exception that was more typical of the subsequent trend. During the '80's municipal trading seems to have lacked parliamentary encouragement, especially with reference to any new forms of activity. The somewhat more favourable atmosphere of the '90's resulted in a considerable extension, particularly in the matter of tramways, electric light and power, and (by the closing years) telephones.<sup>2</sup> Loans outstanding for trading and productive purposes showed an increase in England and Wales from £115,964,000 in 1894 to £260,842,000 in 1904. During the preceding ten years the increase had been only £30,000,000 as compared with the increase mentioned of £145,000,000. The increase, 1894-1904, included about £46,000,000 for the Metropolitan Water Board, £25,000,000 for other water

<sup>1</sup> Cf. Darwin, *Municipal Trade*, for a full account of this. A good account of the municipal tramways movement is contained in Lowell, *Government of England*, vol. ii, pp. 245 ff.

<sup>2</sup> During 1895-9 loans of over £700,000 sanctioned for municipal markets (Darwin, p. 3 f.). Because Huddersfield could not secure an adequate contract with a private company, the city was given the right to operate its own tramways. It was the first to secure such permission (Darwin, p. 16). Bradford (1889) was the pioneer in municipal electric lighting. Glasgow received its permission to operate tramways in 1894 owing to labour troubles with the private company—a municipal issue (*Municipal Glasgow*, p. 70 f.). Liverpool, 1897 (Muir, *Liverpool*, p. 328); Glasgow telephones, 1900 (*Municipal Glasgow*, p. 3).



works, and £24,000,000 each for electricity and tramways.<sup>1</sup> Cautious though the removal of restrictions had been, yet once a precedent was established by private bill in the case of a single city, it became much easier thereafter for others to obtain similar powers.<sup>2</sup> The extension was great enough to threaten seriously the position of public health as 'the chief concern of the city'. Within the council, membership on the major trading committees became a coveted honour.

It should be further noted that in municipal trading there was not present the central supervision or restraint that was characteristic of services not so exclusively local in their nature. A consideration of the merits of municipal trading is not in point here. What is to be emphasized is the fact that a field of local effort, now relatively free from central legislative restraint and almost entirely free from central administrative supervision, was becoming the most noticeable, if not the most important field of municipal activity. The contrast with the United States immediately comes to mind, where the greater influence of private companies with the central legislative bodies had as yet prevented any such opportunity.<sup>3</sup> Yet in 1900 the United States had 15,000 miles of electric tramways compared with 210 in Great Britain.<sup>4</sup>

§ 31. *Public health and housing.* The early enthusiasm for public health had for some time given place to a steady, consistent policy, resting upon a reasonably educated public opinion. This showing was re-enforced by statistical evidence showing a decline in the death rate from 22.0 (1870-5) to 18.9 (1886-90).<sup>5</sup> Many of the

<sup>1</sup> Figures taken from *Annual Taxation Returns*, 1907-8, part viii, p. 116. Cf. also the semi-municipal Manchester Ship Canal Project.

<sup>2</sup> Private interests in London were more stubborn (Harris, *London*, pp. 122 f., 133 ff.).

<sup>3</sup> Cf. p. 80.

<sup>4</sup> Fairlie, *Municipal Administration*, chap. on Public Utilities.

<sup>5</sup> *Public Health and Social Conditions* (Cd. 4671, 1909), p. 3.

larger and freer cities were considering it almost a matter of course to keep fair pace with medical knowledge.<sup>1</sup> In the smaller towns there was often considerable difficulty in enforcing a national minimum, perhaps because the Local Government Board was allowed but a limited use of the grant-in-aid in health matters.<sup>2</sup> Though the medium of the private Act was expensive and difficult even for the larger towns, Parliament on the whole was favourable to new departures in public health.<sup>3</sup> Furthermore, many of the cities had considerable leeway within the optional and permissive Acts that continued to be passed—often as the result of successful experiments of cities under special Acts.<sup>4</sup> By obtaining special powers of borrowing in the open market, the larger cities frequently escaped the restrictions of the central departments imposed through the power over loans for sanitary and other purposes.<sup>5</sup> Thus in the field of public health, as well as in municipal trading, there were conspicuous both the freedom of local activity and a considerable measure of experiment and constructive local effort. The further increase in the expenditure of the urban sanitary authorities from £7,934,000 in 1884-5 to £11,823,000 in 1894-5 and £20,512,000 in 1905-6<sup>6</sup> reveals the extent of new effort in the multiplicity of channels now generally considered to be related to public health. The parallel increase for health efforts in the United States under

<sup>1</sup> Cf. Morris, *English Public Health*, p. 91, for activities under the Factory Act; Bannington, *Public Health Administration*, p. 172 f., for activity in control of infectious diseases.

<sup>2</sup> Cf. Webb, *Grants in Aid*, p. 30. Little besides a percentage of the salaries of medical officers of health and inspectors of nuisances, this grant payable only for approved appointments. Enforcement of the Adulteration Acts had broken down in the smaller boroughs (Odgers, *Local Government*, p. 260 f.).

<sup>3</sup> e.g. Public Health (London) Act, 1891; Glasgow's bacteriological depot (1895).

<sup>4</sup> For partial list, cf. footnote 3, p. 207.

<sup>5</sup> Some of these 'restrictions' concerned the length of loans.

<sup>6</sup> *Public Health and Social Conditions* (Cd. 4671, 1909), p. 76.

conditions of equal administrative freedom should be noted—but perhaps due to lack of central stimulus at its initiation, the achievements in many ways were still considerably behind those of England.<sup>1</sup>

One phase of public health that presented a contrast to the rest deserves special mention. Efforts toward better housing had been more or less isolated prior to 1890, but in that year a fairly comprehensive Act was passed. The provisos of the Act are well known,<sup>2</sup> but certain critical features may be noted. The Act was framed in an atmosphere of caution—for it seemed to involve, not only an extension of municipal trading, but a possible danger to the interests of land and property.<sup>3</sup> This seems to have resulted in making court procedure necessary for closing orders, and in surrounding any action with a mass of checks and safeguards, principally vested in the Local Government Board. The constitution of the latter as the ultimate authority has acted in the nature of a precedent, and has been incorporated in subsequent Acts.<sup>4</sup> The results—whether contrasted from the point of view of health activity or of municipal trading—were not reassuring. As late as 1914-15 not more than 20,000 of the 5,652,096 dwelling-houses reported exempt from the inhabited house duty had been erected under Part III of the Act of 1890.<sup>5</sup> The general

<sup>1</sup> Other important Acts of the decade included: Public Health (London) Act, 1891; Factory Act, 1891; Isolation (Hospitals) Act, 1893; River Pollution Prevention Act, 1893; Diseases of Animals Act, 1894; Public Health (Ports) Act, 1896; Vaccination Act, 1898; Sale of Food and Drugs Act, 1899; Notification of Infectious Diseases Act, 1899; Codification and extension of Health Acts of Scotland took place in 1897 (*Report on Local Taxation (Scotland)* [Cd. 1067, 1902], p. 67).

<sup>2</sup> Housing of Working Classes Act, 1890, Part I. Unhealthy areas, II. Unhealthy houses, III. Building on unbuilt land.

<sup>3</sup> Cf. *Hans.*, v. 345, pp. 1822 ff., for debates. Little notice seems to have been taken of the extent of powers given to the Board.

<sup>4</sup> Housing and Town Planning Act, 1909; Housing and Town Planning Act, 1919.

<sup>5</sup> *Annual Report*, Local Government Board, 1915-16.

housing conditions improved between 1891 and 1901, there being a decline in the number of occupants living more than two in one room from 11·2 per cent. to 8·2 per cent. of the population.<sup>1</sup> However, this improvement was due chiefly to private enterprise and (to a less degree) to municipal action under private Acts which were relatively free from central interference.<sup>2</sup>

Hence it is not surprising to find some of the more progressive cities 'cutting the red tape' and seeking powers more ample to their needs through private Acts;<sup>3</sup> and by this means, between 1885 and 1900, Liverpool was able to re-house 700 of its families. Yet, taken as a whole, action in the important field of housing contrasted unfavourably with the freer aspects of municipal trading and public health. This is the more remarkable, as it would seem to appeal to the city from both of these aspects.

§ 32. *Education.* Turning from the province of health to that of education, one is again impressed with the amount of service rendered.<sup>4</sup> It will be noted that the greater effort remained a central one as education continued to be conceived along national lines—a sharp contrast to the United States. A good illustration of this is found in the fact that, while local education rates approximately doubled, the central aid almost trebled.<sup>5</sup>

<sup>1</sup> *Public Health and Social Conditions* (Cd. 4671, 1909), p. 31. Decline in London was from 19·7 per cent. to 16·0 per cent.

<sup>2</sup> e.g. Liverpool, which between 1890 and 1901 reduced the number of courts (groups of houses) from 2,165 to 698 (*Social Conditions in Provincial Towns—Liverpool* (Pamphlet iv, p. 7)).

<sup>3</sup> Begun earlier by Liverpool and Glasgow. Cf. *Municipal Glasgow*, pp. 48 ff.; Darwin, *Municipal Trade*, p. 18; Muir, *Liverpool*, p. 327. Cf. Glasgow Corporation Improvements and General (Powers) Act, 1897.

<sup>4</sup> Cf. Balfour, *Educational Systems*, pp. xiii, etc., for account. Even Ireland showed marked progress (pp. 101 ff.). Much of the legislation followed the recommendations of the Royal Commission of 1886. (Cf. Balfour, p. 27.)

<sup>5</sup> Under the Free Education (Abolition of Fees) Act, 1891; Customs and Excise Act, 1890; Voluntary Schools Act 1897, etc. Increase

Nor was there much relaxation of central stimulus and supervision; though the service rendered, as well as the quality of the inspection, seems to have shown considerable improvement.<sup>1</sup> At the same time, from the local standpoint, it must be remembered that the control was in the hands of a board whose jurisdiction usually (in the case of the cities) coincided with the local government area, and whose members presumably were elected to some extent because of their interest in education. To this may be attributed much of the gain in local effort that was only a degree less marked than the extent of the central effort. An example of this was the attempt on the part of some of the boards to pass beyond the bounds of elementary education and enter the field of secondary education, which Parliament had not yet been disposed to open.<sup>2</sup> By 1900 twenty-six borough councils were in receipt of 'Science and Art' grants.<sup>3</sup> The experience of Wales is also interesting. There secondary education powers were granted in 1889. The enthusiasm became so great that in 1897 the 'Central Welsh Board' was formed—the voluntary creation of the local Joint Education Committees. These Committees—distinct products of local self-government—had found their joint conferences

of Central Aid from £3,741,351 (1890) to £9,753,000 (1901-2) (*Board of Education, Special Reports*, vol. i, p. 32 (used by Grice, *National and Local Finance*)) (Redlich, vol. ii, p. 236).

Local rating for education remained negligible for Ireland (*Report on Local Taxation (Ireland)* (Cd. 1068, 1902), p. 46).

<sup>1</sup> Note the extension of the grant system to adult education in 1893. 'Payment by results' in elementary schools was finally abandoned in 1897 (Balfour, p. 38), and in Scotland in 1899 (*Report on Local Taxation (Scotland)* (Cd. 1067, 1902), p. 62). For the background of effort which led to free education in 1891, cf. Odgers, *Local Government*, pp. 156 ff.

<sup>2</sup> Save in Scotland, where grants were further extended for this purpose in 1892, and under the Welsh Intermediate Education Act. Much of the so-called 'technical education' was really secondary. (Cf. Balfour, pp. 134 f., 190 f., etc.). Cf. also Bradford's pioneer work in school medical service (Priestman, 'Work of School Medical Officer', in *Political Quarterly*, No. 8, Sept. 1916).

<sup>3</sup> *Report, Science and Art Department*, 1900-01, p. 51.

so valuable that the Central Board was decided upon as an examining and inspecting body for intermediate education. The important thing to note is the extent to which local initiative, if relatively unhampered, will voluntarily develop advisory centralization.

To one surveying education as a whole, there was evident a mixture of central and local initiative. Some of the more remarkable achievements (London School Board, Wales, Scotland) were local and distinctly in advance of the policy of the central department.<sup>1</sup> When the trend toward the *ad hoc* school board in the United States is considered, it seems not unfair to attribute such efforts in Great Britain to the success in enlisting for this special service those who were particularly interested in it. Technical education was introduced through grants after pressure by voluntary organizations upon Parliament.<sup>2</sup> In England generally local opinion still remained much more lethargic than in the United States, though toward the close of the century renewed interest culminated in the creation of the Board of Education (1899) with a voluntary 'Consultative Committee'.<sup>3</sup>

<sup>1</sup> Cf. also Glasgow, which in 1898 included in its private bill a clause granting power to establish branch libraries (Grice, *National and Local Finance*, p. 90, etc.).

<sup>2</sup> Cf. *Forty-second Report Science and Art Department*, 1895 (Cd. 7693), p. lxi. The localities were eager to take advantage of the grants. By 1895 no less than 309 Minutes were issued. The history of technical education is interesting. A Royal Commission on the subject was appointed in 1881. Following its report (1884) the National Association for the Promotion of Technical and Secondary Education was formed in 1887. Provision was made whereby the borough council was to be the local authority, and the Science and Art Department the central. (Technical Education Act, 1889; Local Taxation Act, 1890.) Scottish school boards were not so ready to take advantage of it. The Irish grant was for ordinary education (Balfour, *Educational Systems*, pp. xxi, 101; Atkinson, *Local Government in Scotland*, p. 335 f.; *Report on Local Taxation (Scotland)* (Cd. 1069, 1922), p. 64).

<sup>3</sup> Board of Education Act, 1899. For the approaching crisis in voluntary schools and for good sketches of education about 1900, cf. Balfour, *Educational Systems*, pp. xv ff.

§ 33. *Other functions.* It cannot be said that similar success obtained in poor law administration. The minutiae of regulations which the Local Government Board continued to prescribe in the absence of powers for preventive as well as for relief measures tended to attract to the boards of guardians the type of persons who were 'interested' parties, or those who enjoyed dispensing patronage.<sup>1</sup> There were frequent efforts on the part of religious bodies to elect guardians in order to safeguard denominational interests in poor law schools.

Further functions of local government reveal little that is significant. There was nothing to parallel the movement of park acquisition that was taking place in America, save as private donations were made.<sup>2</sup> Land purchase by the city continued to be too difficult and too expensive a process. The police departments seem steadily to have increased the effectiveness of their services for a law-abiding people.<sup>3</sup>

§ 34. *Effects of local freedom.* How did the municipalities use their opportunity of local self-government? Leaving aside for the present the important and debatable question as to the quality of the services, and turning to the question of the relative amount or progress, a few simple facts stand out. The two chief channels of constructive municipal effort—municipal trading and health,

<sup>1</sup> Cf. speech of Mr. John Burns (*Hans.*, pp. 404 ff., Feb. 23, 1899 (quoted in Harris, *London and its Government*)). The *Reports of the Royal Commission on the Poor Laws* (Cd. 4499, 1909), pp. 52 ff. and (Cd. 4922, 1909) (Scotland), pp. 63 ff., suggest that much of this deterioration dated from democratization of the franchise in 1894.

<sup>2</sup> Liverpool, 752 acres (1900) (*Municipal Year Book—Liverpool*, 1922, pp. 143 ff.); Leeds, 1,000 acres (1900) (*Council Year Book—Leeds*, 1922-3, p. 84); Birmingham, 561 acres (1909) (Heley, 'Birmingham City Government', in *Birmingham Institutions*, p. 122); Glasgow, about 900 acres (1900) (*Municipal Glasgow*, pp. 162 ff.). Acquisitions after 1880 were largely gifts. Cf. *supra*, p. 185.

<sup>3</sup> Only rarely did the Home Office see fit to withhold its grant, as in Colchester 1893. (Cf. Goodnow, *Municipal Problems*, ch. vi.) Some evidence of corruption by the liquor interests was revealed before the Royal Commission on the Licensing Laws (1897) (Redlich, vol. i, p. 343 f.).

the ones which were significantly associated in the public mind with borough government—were also the ones freest from central aid or supervision. The two services where progress seemed the slowest or the most doubtful—housing and poor law—were subject to considerable central checkage or supervision of detail. The two services where grants were proportionally the most liberal—police and education—showed both progress and central supervision. In education the progress was greatest where local effort was the least restricted—in Scotland, Wales, London. The two services under *ad hoc* bodies—education and poor law—exhibited diverse results.

In general the gains seemed to be accompanied, whether as a cause or an effect of the freedom, by a growth in civic spirit.<sup>1</sup> Among its manifestations was an increase in the interest taken in municipal elections.<sup>2</sup> To a limited extent this represented attacks by 'rate-payers' associations'. These latter had relatively little effect, for the spirit of the time was in favour of large constructive projects.<sup>3</sup> They did, however, often succeed in creating the 'municipal issue' (as in America)—economy, municipal trading, etc.<sup>4</sup> This was carried to

<sup>1</sup> For Sheffield, cf. Wilson, 'Municipal Administration in Sheffield', *Political Quarterly*, No. 3, Sept. 1914, p. 80; Glasgow, cf. *Municipal Glasgow*, var.; Liverpool, cf. Muir, *Liverpool*, var.; Birmingham, cf. Bunce and Vince, *Birmingham*, vol. iii, var.; London, cf. Lowell, *Government of England*, vol. ii, pp. 216-232; Bristol, cf. Latimer, *Annals of Bristol*, vol. ii, pp. 34-88.

<sup>2</sup> e.g. Birmingham, 1880, 1881—4 contested elections, 19,992 eligible,  
9,551 voted, about 47·8 per cent.  
,, 1896, 1900—12 contested elections, 58,260 eligible,  
29,807 voted, about 51·2 per cent.

(Files of *Birmingham Post*, day after election.)

About half of the people were still not interested enough to vote.

<sup>3</sup> Lowell, *Government of England*, vol. ii, p. 151 f.

<sup>4</sup> Cf. Bunce and Vince, *Birmingham*, vol. iii, pp. 3 ff., where 'overhead wires, economy, religious instruction, and "Home Rule"' were listed as issues. Shaw, *Municipal Government in Great Britain*, p. 47, attributes increase in number of contested elections since 1886



its logical conclusion in London, where municipal parties—the Progressives and Moderates—regularly contested the elections.<sup>1</sup>

Most interesting was the change that came over the borough councils themselves. They began to have 'minds of their own', and lost few opportunities of bringing their view-point before Parliament when legislation affecting their interests was at stake.<sup>2</sup> The Municipal Corporations Association became a force more to be reckoned with. It was instrumental in determining the parliamentary policy of granting to no private company powers to compete with a municipal enterprise.<sup>3</sup> The Association acted as the medium to bring pressure to bear upon Parliament when new powers were desired. For example, from 1890 to 1894 it asked for powers over matters as varied as transfer of electrical undertakings to private companies, compulsory notification of infectious diseases, sale of inflammable liquids, under the Public Health Amendments Bill, provision of police pensions from rates, technical education, thrift and superannuation schemes, crematoria, private streets, chemical treatment of sewage disposal, alteration of wards by majority vote. Though some of these were quite readily secured, the detailed annoyance caused by a system of strictly defined powers was considerable, and

to desire to sound Home Rule sentiment. This seems to have been one factor. There was a tendency to avoid a municipal issue in guardians' election (Mackay, *English Poor Law*, vol. iii, p. 583). Cf. also *Memo. on Imperial and Local Taxes* (Cd. 9528, 1909), p. 83.

<sup>1</sup> Cf. Harris, *London*, pp. 69 ff.; Lowell, *Government of England*, vol. ii, p. 212.

<sup>2</sup> There was usually an element of intransigence in their dealings with private utility companies. (Cf. Darwin, *Municipal Trade*, p. 14; Knoop, *Municipal Trading*, p. 327; Lowell, *Government of England*, vol. ii, pp. 245 f., 253, 255.)

<sup>3</sup> This device was occasionally used contrary to public interest to check competition of electricity with municipal gas (Darwin, *Municipal Trade*, p. 289 f.).

tended to grow worse with further congestion of Parliament.<sup>1</sup>

The councils of individual cities were often active in matters of more than merely their own local interests. It was the Glasgow Corporation that led the effort to permit municipal telephones, and that joined with the L.C.C. in a fight—fruitless—to permit local rating of land values.

The effects of this municipal awakening were cumulative, as high traditions of public service became more firmly established in the larger British cities.

The personnel of the councils showed rather curious tendencies. During the '80's, when the activity of the cities had been hampered by complications of framework and stringent finance, the lull in municipal activity had been followed by a marked deterioration in the calibre of the councilmen. The public service group had declined in Liverpool, Leeds, and Birmingham from 51.5 per cent. of the whole to 34.4 per cent., while the 'unsubstantial' group had increased from 13.1 per cent. to 19.8 per cent. During the same time, as a mark of the rising democracy, the 'artisan and labour group' had increased from 2.1 per cent. to 6.2 per cent.<sup>2</sup>

During the '90's this last trend continued, and in 1900 the 'labour' group made up 8.1 per cent. of the whole. As a further indication of increasing democracy—or perhaps of an unwillingness to enter into the strife which now often attended a municipal campaign—the number of 'gentlemen' declined from 13.0 per cent. to 6.5 per cent. The number of men in 'commerce' or 'manufacturing' (those whose imagination would be stirred by the rapid expansion of municipal activity) increased from 21.4 per cent. to 25.4 per cent. 'Merchants' and

<sup>1</sup> *Minutes of Annual Meetings*, Association of Municipal Corporations, 1890, 1891, 1892, 1893, 1894. *Annual Reports*, Association of Municipal Corporations, 1889, 1890, 1891, 1892, 1893.

<sup>2</sup> For basis and details of this and subsequent similar data, cf. Appendix B.

'tradesmen' declined from 25.1 per cent. to 22.5 per cent. Such trends would seem to embody the consequence of a conscious effort to foster local self-government, and to free the cities for 'city-building'. These were the cities (with those of Germany) to which the Americans began to look for inspiration and leadership as they were beginning their concerted efforts for city emancipation and good government.

When the city was free, its effort seemed to be experimental and gave evidence of initiative.<sup>1</sup> It was also unquestionably costly, and it will later be pointed out how great was the augmentation of expense and loans that occurred during the decade.<sup>2</sup> Over and above both of these, one cannot fail to note that local freedom by its nature must have been educational as well. Municipal trading, and the great sanitary projects, and the rising costs themselves, provided material for popular discussion. They also furnished a wider field for civic service for council members. Not until all factors of both countries are at hand for consideration, can there be an attempt to determine how far this local freedom was desirable.

#### THE APPROACHING FINANCIAL CRISIS

§ 35. *Growing costs of government.* As might have been expected, the financial emphasis of the decade was more upon the means of raising revenue than upon the methods of checking expenditure. In the United States efforts to relieve financial strain were often directed toward

<sup>1</sup> Goodnow, *Municipal Problems*, ch. vi, comments on the fact that since 1870 the problem has been to restrain, not to arouse, local authorities.

The London County Council, in its efforts to be a model employer, required that all contractors who submitted tenders must pay union wages. ('Commission on Works Department', pp. vi, viii, quoted in Lowell, *Government of England*, vol. ii, pp. 198, 220.) Glasgow's £30,000 People's Palace, as well as its Municipal Art Gallery project, fall within this period (*Municipal Glasgow*, pp. 38 ff.).

<sup>2</sup> p. 239.

securing more value for money spent—or the same value for less money. On the other hand, criticism and effort in Great Britain were confined largely to a search for ways and means for more revenue.

The facts of the rising expenditure were clear, and followed inevitably the expansion of municipal effort. For many years, till about 1891, (with fluctuations due to grants, etc.) rates seem about to have kept pace with rateable value.<sup>1</sup> After 1892, instead of the annual increase in local rates averaging under £1,000,000, it came to be about £2,000,000. But till 1896 there was little complaint in the face of the renewed rise in expenditure. By that year, however, the increase in central aid extended in 1888-1891 was forgotten, or had spent its force, and complaints again became loud.<sup>2</sup>

Even greater was the continued increase in the amount of loans. This was far greater proportionately than in the United States, where the shorter periods allowed and the constitutional checks were being felt. The increase was from £201,000,000 in 1890 to £294,000,000 in 1899. In the United States between 1890 and 1902 local debt increased from about \$12.60 to \$18.40 per capita, an increase of about £1 4s. compared with £2 5s. in England and Wales.<sup>3</sup> Any efforts on the part of the Public Works Loans Commissioners to encourage shorter terms were having but little effect, due to the increasing resort to the open market on the part of many municipalities.<sup>4</sup>

§ 36. *Criticism of the rating system.* For the first time, the basis itself of the rating system was seriously called into question. That this should occur simultaneously

<sup>1</sup> *Public Health and Social Conditions* (Cd. 4671, 1909), p. 74.

<sup>2</sup> Cf. discussions in *Hans.*, v. 41.

<sup>3</sup> Cf. table, p. 225.

<sup>4</sup> Cf. Public Works Loans Act, 1898.

The loans made through the Commissioners with a duration of over forty years declined from 11.04 per cent. (1888-92) to 3.01 per cent. (1898-1902). (Grice, *National and Local Finance*, p. 348.)

with a similar tendency in the United States<sup>1</sup> but reflects the facts that in both countries the cities were facing the problem of financing greatly augmented functions of government, and that phases of the revenue system were exhibiting inherent weakness.

In both countries the attempt to make personalty pay any large share in local government was failing. In the United States this was due to the difficulty of assessing personal property. In Great Britain a substitution of a share of the Estates' Duty (derived from real and personal property alike) for the probate duty as a source of local aid, removed what at best was very near to a fiction.<sup>2</sup> On the whole, however, the 'real property burden' was falling into the background as an issue as far as cities were concerned. This was doubtless in part because it began to appear how remunerative much of the expenditure was, and how large a share, if not all, of the remainder fell on the occupier.

On the other hand, as in the United States, such grants as existed tended to be used more to equalize the expense as between districts. The divergence in burden borne by different localities, even in rendering the same amount of service, received a greater degree of attention than at previous times. The facts of the divergence were emphasized by the Fowler Report of 1893. In London (where conditions were particularly unfair) an equalization of rates took place in 1894.<sup>3</sup> Similar general tendencies in the national grants for education<sup>4</sup> and poor law expenditure occurred—as these functions were singled out as being more onerous than others. Matters had often

<sup>1</sup> Cf. p. 85.

<sup>2</sup> Finance Act, 1894, sec. 19. For account of the period, cf. Grice, *National and Local Finance*, pp. 83 ff., Clarke, *Local Government*, p. 131.

<sup>3</sup> Equalization of Rates Act, 1894—6d. a pound on value—the proceeds to be divided according to population. For further details, cf. Grice, *National and Local Finance*, p. 90.

<sup>4</sup> 1897, when entire grant system in education was overhauled.

been made worse by early stabilizations of grants on bases which did not allow for future changes.

The same underlying dissatisfaction with rating as then constituted began to appear in a limited agitation for taxation of land values. This was led by the local bodies of London and Glasgow,<sup>1</sup> who not only had felt the power of the landed interest in forcing large sums from them for any land acquisition, but who realized the amount of unearned increment which city improvements were bringing the landlords.<sup>2</sup> The single tax doctrine of Henry George had but a limited appeal in England, where the motive for land taxation seems much more to have been governed by need for further revenue. Thus most of such proposals were based on the old canons of 'ability to pay' and 'benefit received'.<sup>3</sup>

Other criticisms of the rating system were offered. The different bases of valuation had long been notorious, and many believed that reform of this should take precedence.<sup>4</sup> Furthermore, claims were made for relief on the part of special groups—complaints on the part of urban areas, of rural areas, etc. By 1896 it was felt that matters could no longer be neglected, and the famous Royal Commission on the Reform of Local Taxation was appointed 'to inquire into the present system under which taxation is raised for local purposes, and report

<sup>1</sup> They brought the matter before the Royal Commission on Taxation. (Cf. Chorlton, *Rating of Land Values*, p. 1 f.; *Report on Local Taxation* (Cd. 638, 1901), p. 158 f.) A Select Committee on Town Holdings had reported (1892) against such taxation (H.C. 214, 1892).

<sup>2</sup> Cf. *Hans.*, 1903, vol. 120, p. 473. e.g. School Board of London found the price of land in a certain district advanced from 9d. a sq. ft. in 1895 to 1s. 6½d. in 1901.

For the power and effects of landlordism in this connection, cf. testimony before the Local Taxation Commission of the Secretary, Mr. Finlay Heron, to the Blackrock Urban District Council (*Minutes of Evidence*, vol. v (Cd. 383, 1900)).

<sup>3</sup> Cf. *Report on Local Taxation (Ireland)* (Cd. 1068, 1902), p. 8 f., for the unique system of graduated rating in Belfast.

<sup>4</sup> *First Report on Local Taxation* (Cd. 9141, 1899), p. 7.

whether all kinds of real and personal property contribute equally to such taxation; and if not, what alterations in the law are desirable to secure that result'. Its conclusions and the results ensuing therefrom belong more properly to the next century.

§ 37. *Canons of taxation and rate relief.* Mention has been made of the two canons of local taxation in England—'ability' and 'benefit received'.<sup>1</sup> These still contained the key to changes. 1896 has been mentioned as the year when discontent again crystallized. The chronic complaint of the country party was once more heeded, and relief from one-half of the district rates for a five-year period was extended to all agricultural property.<sup>2</sup> It was argued that area was no fair criterion of 'benefit received'—particularly with reference to the education or sanitary rates. It seems also likely that the country party realized that the rapidly increasing influence of the towns made doubtful any prospect of further relief in the future. The exact significance of the measure to the boroughs was not immediately apparent; but the underlying motives of dissatisfaction, of 'country v. city', and of application of limited canons of taxation should be noted.

It was at this point that the difference between the United States and the United Kingdom became one of philosophy rather than accident; for it will be remembered that the former, while basing much or most of its

<sup>1</sup> p. 213.

<sup>2</sup> Agricultural Rates Act, 1896; Agricultural Rates, etc., (Scotland) Act, 1896; local authorities were granted an annual sum equal to the exemption. For Scotland, cf. *Report on Local Taxation (Scotland)* (Cd. 1067, 1902), p. 9 f. Irish land was not exempted from half its rates, but from a fixed sum equal to half the rates of 1890-7 (*Report on Local Taxation (Ireland)* (Cd. 1068, 1902), pp. 6, 8).

Of a somewhat similar nature was the exemption under the Tithe Rent Charge (Rates) Act, 1899, to holders of benefices. For criticism of 1896 and 1899 Acts, cf. Row-Fogo, *Reform of Local Taxation*, p. 6; Cannan, *Local Rates*, p. 155. It was considered a dangerous precedent to relieve a single class.

local revenue system upon the same two canons as the latter, had now shown itself ready to introduce a third not known in England—'taxation for social benefit'. Concessions to manufacturers and railroads were defended on *this basis*, not as in the case of agricultural land and railroads in England, on the basis of 'benefit received'.

§ 38. *Efforts to shift burdens.* Remedies for increased expense were of much the same character as before. There was the same temporary lull, following the aid of 1888-91; and the same gradual increase of pressure in Parliament for further grants of one type or another, as the pinch again began to be felt. The relief to agricultural rates was tempered by a fixed grant from the Exchequer in its place. Exemption or lessening of school fees was met, not by local initiative, but by a central grant.<sup>1</sup> Yet in spite of the relief extended, the local demands for more grew stronger and stronger toward the end of the decade, as the distinction between 'local' and 'national' services became more prominent in men's thoughts. The decade closed with the problem in the hands of a commission.<sup>2</sup>

For the most part, only in the larger cities were there signs of local self-reliance in meeting the burdens or in controlling expenditure. It has been mentioned that in some cases this took the form of a search for other sources of *local* taxation—with no result.<sup>3</sup> A further development paralleled that begun twenty or more years earlier in the United States—in the attempt to create a more effectual finance control through a strong finance committee. Under the London Government Act, 1899, the

<sup>1</sup> Abolition of Fees Act, 1891. Ireland, in the vote for public education, 1892.

<sup>2</sup> For details of Irish grants which showed considerable variation from those of Great Britain, cf. *Report on Local Taxation (Ireland)* (Cd. 1068, 1902), pp. 12, etc.

For general increase in agitation for relief of rates, cf. *Hans.* (1896), v. 41, pp. 1443, 1694, etc.

<sup>3</sup> p. 241, *supra*.



Finance Committee was made statutory to 'regulate and control'. Sheffield was among the first to re-organize the functions and procedure of its Finance Committee, and its lead was subsequently imitated by others. 'When it appears that the total income will be substantially below the financial requirements, negotiations are commenced in a friendly manner for the purpose of ascertaining what expenditure can be deferred, and by mutual arrangement the estimates are reduced so as to bring the expenditure within the desired limits.'<sup>1</sup> Even this very mild method which seemed to make economy depend—not upon devices of efficiency, but upon the amount of revenue available—was as yet exceptional. For the most part the various departmental committees went on in their spending—if not completely unchecked—at least far from effectively co-ordinated.<sup>2</sup>

In the days when city government was more simple, the council itself was doubtless capable of effectively performing this co-ordinating function; but that its ability must inevitably have been more and more severely taxed can be judged from the increase of complexity. The number of committees in Liverpool, Leeds, and Birmingham increased from forty to forty-five between 1890 and 1900, while the number of sub-committees in Leeds and Birmingham alone grew from seventy-three to eighty-three.<sup>3</sup>

Rise of expense brought criticism of the rating system,<sup>4</sup> and the British cities might be said again to be at the parting of the ways. Upon the solution of the problem whence additional revenue should be obtained depended once more much of the future course of city government.

<sup>1</sup> Wilson, 'Municipal Administration in Sheffield', in *Political Quarterly*, No. 3, Sept. 1914, pp. 87-89.

<sup>2</sup> Local authorities in Scotland had been given the power in 1894 to consolidate their rate-collecting machinery. This power was little used, and each continued to maintain separate and over-lapping staffs (*Report on Local Taxation (Scotland)* (Cd. 1067, 1902), p. 7).

<sup>3</sup> For details, etc., cf. Appendix C.

<sup>4</sup> e.g. *Hans.*, 1896, vol. 41, pp. 1443, 1694, etc.

## HUMANITARIANISM

§ 39. *Origins and general effect.* The beginnings of a new altruism or humanitarianism in the United States have already been noted.<sup>1</sup> A similar movement was occurring in the United Kingdom. Inasmuch as the two countries were to choose widely different channels in expressing this new motive, the problems involved deserve some attention.

The origins of the movement in England must be sought much earlier. They were complex in their nature<sup>2</sup> and did not directly concern city government. The contrast of wealth and poverty challenged the sense of 'fair play' as well as the altruistic instincts.

As in the United States, the growth of humanitarianism was already widening the scope of local and national governmental effort. For example, the latter part of the period saw the initiation of the policy of special education for the defectives;<sup>3</sup> the opening of the first infant milk depot;<sup>4</sup> Glasgow's 'family homes' for widowers and their children.<sup>5</sup> This whole field of public welfare from the start was closely associated with voluntary effort. By the end of the decade only a beginning had been made by the cities themselves—but it was a beginning, and the efforts of the voluntary societies gave some promise that social welfare would take its place with education as a governmental function.<sup>6</sup>

<sup>1</sup> *Supra*, p. 83. <sup>2</sup> e.g. Morris, *English Public Health*, for brief account.

<sup>3</sup> Elementary Education (Blind and Deaf Children) Act, 1893 (compulsory); Elementary Education (Defective and Epileptic Children) Act, 1899 (optional).

<sup>4</sup> St. Helens, 1889; cf. Bannington, *Public Health Administration*, p. 166. From this year also date Glasgow's playgrounds and Salford's birth notification.

<sup>5</sup> *Municipal Glasgow*, p. 54 f., describes them.

<sup>6</sup> Cf. also Liverpool activity through private Acts in connection with child welfare, particularly street trading (*Social Conditions in Provincial Towns—Liverpool*, Pamphlet iv, p. 5; Clarke, *Local Government*, p. 302).

Cf. Recreative Evening Schools Association, 1885. Account of its work in *L.C.C. Education Committee, Scheme under 1918 Act*, p. 39.

§ 40. *Effect on the poor law.* Up to the end of the period the effect of humanitarianism was probably relatively the greatest on the poor law, where for some years the policy of dispauperization had been giving way to a policy of 'adequacy'.<sup>1</sup> In London this 'adequacy' and improved character of relief had reached such a state that instances of actual preference for indoor relief became frequent. Following the business depression of 1892-3, the policy of treating the unemployed as a special class, not to be subject to the poor law 'stigma', had come to be quite well established in the cities. In 1896 the Local Government Board began to urge that the 'deserving' aged poor should be given 'adequate' relief in their homes. The improved treatment of the children was of a similar character. Experiments continued with 'boarding out', the 'scattered home system',<sup>2</sup> and visitation of infants in their homes. Poor law children, in greatly increased numbers, were sent to the ordinary elementary schools.<sup>3</sup> All these were in marked contrast

<sup>1</sup> Full accounts of the developments in poor law, 1870-1900, may be found in Mackay, *History of the English Poor Law*, vol. iii, and in Webb, *English Poor Law Policy*. For the efforts of the Local Government Board to enforce the 'workhouse test' during the '70's, cf. Webb, pp. 149 ff., Mackay, pp. 525, etc., 168. For borough councils as relief authorities through provision of work, cf. *Report Poor Law Comm.* (Cd. 4499, 1909), p. 391. For the breakdown in London, including the extravagance resulting from the use of the Common Poor Fund, cf. Mackay, pp. 493 ff., 467. For the growth of the 'labour test' for the unemployed, cf. Mackay, p. 168, Webb, pp. 154 ff., 164 ff. The Casual Poor Act, 1882, had still emphasized 'deterrence' or 'dispauperization'. For aged poor, cf. Webb, pp. 231 ff. For change of general attitude, cf. Mackay, pp. 579, etc. Differing practice in Scotland and Ireland furnished interesting comparative material: (1) Scotland—practice of boarding out children was copied in England. Cf. McNeil-Caird, *Local Government in Scotland*, pp. 122-147, for account of Scottish system including less reassuring factors. Under the Poor Law Amendment Act, 1885, one-half of the poor rate was levied on the owner. This Act also incorporated previous practice whereby relief to the able-bodied was prohibited. (2) Ireland—cf. Hancock, *Local Government in Ireland*, pp. 173-84.

<sup>2</sup> For Sheffield, cf. Mackay, p. 436.

<sup>3</sup> 1890-1901. The number of unions where the children attended workhouse schools declined from 200 to 42, while the number where

to the earlier policy, and showed a distinct change of attitude. This contrasted with the trend in America, where experiments were being conducted looking toward the complete abolition of outdoor relief.

§ 41. *Paternalism and democracy.* But there was another way, apart from the direct increase in functions, in which the new humanitarianism was to affect city government. This was as an underlying philosophy—entering into, modifying, and determining legislation. Of this phase of humanitarianism, legislation concerning local government furnished an important illustration. However much alike the two countries were in exhibiting the possibilities of social welfare as a civic function, a subtle distinction in point of view could already be sensed—which was to make their subsequent courses greatly different. Though this had as yet not revealed itself very clearly it may be pointed out that, in its broad lines, the question was whether self-reliance based on equality of opportunity, or paternalism based on insurance of a minimum of comfort, was to act as the guiding principle of humanitarian policy.

England was at the cross-roads. On the one hand, the new democracy was proving a factor in matters as diverse as free education and acquisition of small dwellings.<sup>1</sup> On the other hand, as privilege found itself threatened, partly through the inevitable tendency to compromise, partly through a genuinely altruistic spirit, it sought to mitigate the existing evils for so many of which it now vaguely felt itself responsible.<sup>2</sup> Out of this way of yielding to conditions came the modern paternalism—which, while perhaps pre-eminently conceived on public elementary schools were used increased from 325 to 525 (Balfour, *Educational Systems*, p. 66 f.).

<sup>1</sup> Small Dwellings Acquisition Act, 1899. The borough councils were made the local authority.

<sup>2</sup> Discussion in poor law centred around the question 'whether the individual could be held responsible for his support when not able-bodied'.

national lines, yet was to affect local government profoundly.

#### CONCLUSION

§ 42. *The end of the century in the two countries.* Thus the parallelism in the forces operating upon municipal government in the two countries has seemed to be remarkably close. The results were often as remarkably divergent. Both countries experienced a municipal awakening. In the United States a determined effort to cleanse the city government absorbed much of the energy which England threw into constructive channels. The same underlying struggle between democracy and privilege occurred in both—but with England the adjustment was through compromise, and a mellowing of the old order; while America fought the issue on lines sharply drawn and with questionable methods. In England it was largely the bulwarks of the landed interest, the social aristocracy, that were threatened—and with these, methods such as were used by the American public utility companies or the contractors<sup>1</sup> were unthinkable. Pressure from special interests was largely confined to Parliament in England; while in the United States, state and local governments alike were subjected to such pressure. In both countries altruism mingled with the economic motive. In one, it was largely the altruism of the governing class in Parliament granting privileges to the masses; in the other, it appeared as democracy improving its own lot in a humane way.

In both countries local freedom seemed to be gaining; in the United States, by checks upon the central legislatures; in the United Kingdom, by extension of powers independent of central administrative departments. A growth in municipal pride came also—in the United States, expressing itself in census returns and in school

<sup>1</sup> Cf. p. 138.

systems; in the United Kingdom, through municipal trading enterprises or through a low death rate. The cleavage in the two countries between the divergent prominence accorded to education and health respectively remained, but was less than formerly as each country recorded gains where it had previously been weak. Municipal issues appeared frequently, though more limited in scope in English towns, which were happily deprived of the 'good v. bad government' issue so common in the United States. Great Britain continued its efforts at simplification; the United States sought a way to ensure responsibility and lessen corruption. The beginnings of civil service principles in the United States were a tardy recognition of one of the chief underlying causes for the wholesome character of British city government.<sup>1</sup>

The problems attendant upon greater complexity, in so far as they involved adjustments in finance and framework, had now to be met in both countries—and the characteristics of national type and thought were clearly marked in their solution. American cities themselves sought through experiments in charters to simplify and improve their own government. In England it was Parliament or the Local Government Board that primarily took the initiative. The increasing prominence given to the popularly elected executive in America contrasted with the definitely subordinate place of the town clerk in England. In both countries the weakening of the local revenue systems under the increasing strain, brought efforts at remedy. Central grants increased greatly in England, while in America the citizens and their elected mayors sought to meet the situation themselves by budgetary legislation or increased local taxation.

<sup>1</sup> A typical example was Bristol, which had only four town clerks in fifty years (Stone, *Bristol*, p. 13).

Cf. Corrupt and Illegal Practices Act, 1883, for Great Britain's resolute attempt to deal with what little corruption existed.

Yet both were giving evidence of great self-reliance and accomplishment under their increasing 'home rule'. In England, however, there were signs that a new and perhaps unconscious crisis in central-local relationship was again approaching through the financial stringency.

English cities faced the opening of the new century with their local self-government apparently increasing in vigour; yet financial stringency and inadequate boundaries had once more begun to appear as hampering elements. The thirty years from 1870 to 1900 had in their broadest aspect marked the struggle of the city to throw off the extraneous factors of confused framework, inadequate revenue, centralization, and the power of the vested interest of property, all of which were thwarting the full self-expression of municipal life. Success had been only partial.

## V

# UNITED STATES CITIES

1900-1924

*Democracy brings responsible and direct government—Home rule emancipates the cities—The prominence of the personal element, a product of separation of powers—Through home rule, the idea of efficiency is incorporated in city government—The interest in civic affairs results in great civic activity—Democracy and education determine that altruism shall evolve into equality of opportunity—The city becomes a great social instrument—Popular opinion, based on education and local self-government, expresses itself and grapples with the problems of police, education, and finance—Gain in the quality of administration.*

## THE PERIOD

§ 1. *A survey.* Leadership was an unusually prominent factor in American city affairs in the opening years of the twentieth century. This was a natural result of the tendency to personify good government which had brought the executive to a predominant place in the nation, state, and locality. Perhaps as an inevitable outcome of separation of powers, a minimizing of the legislative branch was the accompaniment. This contrasted greatly with the dominance of the legislature under the parliamentary system.

The activity of the later years of the preceding century was a forerunner of a new phase in municipal administration. City government had now leaders, students, and a literature. Material on all aspects of the subject



became abundant.<sup>1</sup> At the same time, with the increase of size and activity, the problem of city government became more complex.

In England there was but a single type of city government, and experiments were consequently limited. In America, however, the multiplicity of authorities conferring city charters, and the resultant variation and anomalies, almost inevitably brought instances of improvement over the older charters. As such an instance of success became known, imitation by the rest of the country often followed.<sup>2</sup>

§ 2. *National events 1900-1910.* The Spanish War tended to widen the nation's outlook. The American motive in entering the war, and the subsequent policy towards Cuba and the Philippines were among the factors stimulating a spirit of altruism. This was a major factor in local as well as national government. It found ample fields for action in the humanizing functions of the city.

The accession of Roosevelt to the Presidency brought to the front the man who dominated the life and thought of his time as much as any man in recent American history. He appropriated much of the liberalism of the Democratic party, and virtually forced it to become conservative in the 1904 election. Everywhere (including the cities)<sup>3</sup> he sought to strengthen the hands of those fighting against bossism, corporation domination, and corruption. He was the chief among a remarkable

<sup>1</sup> In the Bibliography (pp. 642-645), note how many of the books date between 1900 and 1906.

<sup>2</sup> e.g. for Commission Government, cf. pp. 273-277.

<sup>3</sup> e.g. During the graft prosecutions (1907) in San Francisco, Roosevelt wrote as follows to Spreckles (the leader in reform):

'Now and then you and Mr. Heney and the others associated with you must feel downhearted when you see men guilty of atrocious crimes who for some cause or other succeed in escaping punishment, and especially when you see men of wealth, of high business, and in a sense, of high social standing, banded together against you.

'My dear sir, I want you to feel that your experience is simply

group of leaders in the democratic movement. La Follette (Wisconsin),<sup>1</sup> Folk (Missouri), Hughes (New York), and Johnson (California) were among those who made their states centres of advanced legislation and good government. The cities also had their share of enlightened and effective leadership,<sup>2</sup> and these men brought to maturity the view that held the executive to be the defender of the people's rights against the reactionary and oftentimes corrupt legislature.

Roosevelt became president at the psychological moment to guide the new growth of democratic thought. Especially was this manifest in the anti-trust or anti-monopoly battle, where blows at privilege could now often be dealt simultaneously in city, state, and nation. The defunct Sherman Anti-trust Law was revived, and national prominence was given to the struggle against 'big business'. In many of its aspects the national change was similar to the change of 1906 in England.

The cities grew even more rapidly than before. Urban population increased from 30,797,185 in 1900 to 42,623,383 in 1910, and to 54,318,032 in 1920; or from 40.5 per cent. to 46.3 per cent. and to 51.4 per cent. of the entire population.<sup>3</sup> The growth in real estate

the experience of all of us who are engaged in this fight. There is no form of slander and wicked falsehood which will not as a matter of course be employed against all men engaged in such a struggle. . .

'You must battle on valiantly, no matter what the biggest business men may say, no matter what the mob may say, no matter what may be said by that element which may be regarded as socially the highest element. . . .'

This public letter was sufficient to turn the tide of public sentiment in the right direction. It came at the critical time in the prosecution. (Cf. *Proceedings, Conference for Good City Government*, 1908, p. 147 f.)

<sup>1</sup> Cf. Howe, *Wisconsin, an Experiment in Democracy*, for an appreciation of La Follette's work.

<sup>2</sup> e.g. Low, New York; Weaver, Philadelphia; Johnson, Cleveland; etc. Cf. Steffens, *Upbuilders*, for a popular account of a number such.

<sup>3</sup> Census returns, quoted in *World Almanac*, 1923, p. 324.

values was even more striking. For example, the total general value of real property in New York City was \$3,168,533,300 in 1900, and \$10,249,995,630 in 1920.<sup>1</sup> The growth in population was complicated by the change in the type of immigration to a degree greater than was at the time realized. This change already had been noted in the preceding decade. The percentage from South-Eastern Europe grew from 52·8 per cent. in the '90's to 71·9 per cent. in 1900-1910. A corresponding decline from 44·8 per cent. to 21·8 per cent. was registered in those from North-Western Europe.<sup>2</sup> The comparatively smaller percentage of the new immigrants to become citizens did, it is true, minimize somewhat their effect on the balloting.<sup>3</sup> On the other hand, this indicated something of the problem arising from an unassimilated element which, almost without exception, sought the city.<sup>4</sup> It created in the poorer districts a concentrated replica of its old national life—language and customs alike alien to America.<sup>5</sup>

The three ideas of prosperity, enlightenment, and progress were colouring the national life greatly. The 'Rich Man's Panic' of 1904 scarcely affected the great majority. The agencies for sharing experiences in social

<sup>1</sup> N.Y. City, *Annual Report Commissioners of Taxes and Assessments*, 1922, p. 23. However, the 1900 figure represents only about 66½ per cent. of the true value, while the latter is probably above 90 per cent. (Cf. *ibid.* p. 58; Ma, *Finance of New York City*, p. 111.)

<sup>2</sup> Compiled from data in *World Almanac*, 1919, pp. 154 ff.

<sup>3</sup> e.g. Massachusetts, 1915. Of the males 21 years or over who were foreign born, 141,050 were British, of whom 89,000 were legal voters; 14,094 were German, 10,049 being voters; while of the 59,736 Italians, only 7,435 were legal voters; of the 39,599 Poles, only 3,451 (State Census of 1915, quoted in *World Almanac*, 1919, p. 294).

<sup>4</sup> Percentage living in urban communities over 8,000 as follows (1910): Italian, 78·1 per cent.; Russian, 87·0 per cent.

<sup>5</sup> Somewhat similar difficulties arose in Utah, where the Mormon and anti-Mormon issue was prominent in local and state politics. (Cf. *Nat. Munic. Rev.*, 1912, p. 141.)

and government fields became more effective. The idea of 'progress' as something inevitable was part of the national mind. It threw the burden of proof in political disputes upon the forces of reaction.

§ 3. *National events 1910-1924.* The difficulty in treating recent events with the proper historical perspective is always a very real one. The writer's bias, his predilections toward certain movements, are apt to cause an overstressing of the importance of some events and the virtual ignoring of others. The nature of his task requires that the historian be also a prophet, if he would choose and estimate events in their proper light.

After 1910 there was added to this inherent difficulty in analysing recent events the fact that it was a complex period. The forces were many, but not especially conflicting. This absence of the kind of conflict that was so striking a feature of 1900-1910 made the forces less obvious than they otherwise would have been. Conflict serves to orient the various factors and to mark them sharply in the public thought.

After 1910 there was no single outstanding motive. The adolescence of the nation seemed to have been passed, and evidences of maturity and saneness of thought became more frequent. There was still marked energy, but it was energy more inspired by ideals and harnessed by national self-control. The European War affected this strongly, adding an element of sacrifice. However, the war's end brought some reaction which manifested itself chiefly in a fitful chafing at restraint.<sup>1</sup> The increasing disposition to compromise, and to trust to gradual evolution for the solution of problems, recalls the tendency which until recently marked English political thinking.

It was soon evident that the advances in national thought registered under Roosevelt were too deep and permanent to brook any threatened reaction, such as took

<sup>1</sup> Labour in Chicago in 1919 polled 50,000 votes. (Cf. *The New Majority*, the organ (1919) of the movement.)

place in the Congress of 1908-10. The force of progressiveness approached the campaign of 1912 with almost religious fervour. The breakdown of La Follett forced Roosevelt into a position of leadership of the advanced element in the Republican party. When the apparent will of the people had been thwarted in the nominating convention, the force of radicalism was so strong that it crystallized in the formation of the Progressive party. This party made direct legislation a major part of its platform. Its pronouncement on city affairs declared the *issues of city and nation distinct*, advocated *spontaneous city action* (i.e. home rule), and held that *the city was an agent for social justice*.

The split in the Republican party was largely responsible for the election of Woodrow Wilson as president. Whatever may be said of his foreign policy, his strong fight for progressive and democratic principles (first in New Jersey,<sup>1</sup> and later in the nation) was one which embodied the new spirit of enlightened advance which was now following in the wake of the earlier struggles for reform. If his leadership in these domestic affairs was less picturesque than that of many earlier leaders, it was thereby none the less sound. Political education had seemingly advanced to the point where issues could be more calmly considered.

The war affected city administration<sup>2</sup> in both countries in many ways, but in no way more than in finance. This was true, not only with regard to the suspension of bond issues and consequent public works,<sup>3</sup> but in the steadily rising price for services consequent upon

<sup>1</sup> Measures affecting cities concerned elections; corrupt practices; public utilities (establishing a state commission with rate-making power); optional commission government, initiative, referendum, and recall.

<sup>2</sup> For a good account, cf. *American Year Book*, 1918, chapter on Municipal History.

<sup>3</sup> e.g. Following a letter of the Governor of Indiana requesting municipalities to curtail their bond issues, the new issues declined from several millions to only \$300,000 (*ibid.* p. 254).

post-war inflation. Occasion will repeatedly arise to call attention to other aspects of the war's reaction on city affairs.<sup>1</sup> The cities co-operated willingly with the plans of the Federal Government in the limited field open to them. Virtually the only regrettable feature was the fact that in some cities politicians of the old school of spoils improved the opportunity of the public's concern with weightier matters, to consummate a return to power.<sup>2</sup>

Two other events in national life—woman suffrage and prohibition—had been too long coming and had been too well tried in many states for their immediate effect to prove startling or unforeseen. Prohibition, by making available for other channels a large amount of energy and purchasing power, undoubtedly eased the post-war economic situation; however much it may have complicated the problem of law enforcement. The granting of the franchise to women seems to have reacted locally in securing a type of candidate with a better private life. It has also strengthened the welfare forces in civic affairs.

In both countries the effect of the subsequent deflation on city government was to re-introduce the whole question of retrenchment. It is typical of the American attitude that the expenditure for education was not reduced, but actually increased under popular pressure for more and better education.<sup>3</sup>

The decade witnessed the standard of living on a higher plane for all but the new immigrant. In part this was made possible at the expense of the unorganized, unskilled labourer; but this was relatively a minor factor. The higher real wage is doubtful, but something more valuable seems to have taken place—a better use of the money wage. This aspect of prohibition is in itself worth noting, but is only one phase of the lessening

<sup>1</sup> Cf. pp. 316, 318, etc.

<sup>2</sup> 1918 was a particularly discouraging year in municipal politics. Cf. *Nat. Munic. Rev.*, 1918—various.)

<sup>3</sup> Cf. pp. 315, 300.

of waste and improvidence that culminated in 'Hooverizing' during the war. Furthermore, a re-alignment of values manifested itself in a growth in the numbers enjoying secondary and higher education. The percentage of all pupils in public schools who were enrolled in high schools increased from 5.1 per cent. in 1900 to 10.2 per cent. in 1920. The percentage of the total population of the country enrolled in the secondary schools increased to 2.3 per cent. in 1920. In 1910 it was only 1.23 per cent., and in 1900, 0.96 per cent. Similar figures for 'higher' education are: 1900, 0.31 per cent.; 1910, 0.37 per cent.; 1920, 0.60 per cent.<sup>1</sup>

#### FORCES IN MUNICIPAL EVOLUTION—(1) DEMOCRACY

§ 4. *Enumeration of various motives.* These later years were not so remarkable for new motives, as for placing in better perspective the various sharply defined motives with which the century opened. Materialism had yielded somewhat to the new fraternity that grew out of the consciousness of nationality and the intimacy of civic life. Liberalism was the accepted philosophy. While the individual instances of its working were frequently new and unusual, the essential force was the same. The story of the philosophy of democracy became that of its *practical application*. Once democracy, altruism, honesty, and responsibility had become generally accepted in principle, it was the task of *efficiency* further to refine and apply them. The study of the courses of these several motives is the study of municipal history during the period in question.

§ 5. *Opposition to special privilege.* Democracy was the key-note of the first half of the period. The democratic movement had its beginnings in the '90's, but by the twentieth century it had become the most potent single

<sup>1</sup> *Bulletin*, 1923, No. 16, *Bureau of Education*, pp. 1, 10; *American Year Book*, 1912, p. 791.

force in city government. The South alone was not deeply affected. There the problem of the negro was preserving the strict colour line, and the further restriction of suffrage looked toward the virtual exclusion of the negro vote.<sup>1</sup>

One of the peculiarly American ways of expressing democracy was found in the opposition to special privilege—particularly when manifested in monopoly powers. This thought, which had seized the mind of a part of the populace somewhat earlier, now became more effective under the national leadership of Roosevelt. Locally the monopoly issue arose constantly. Under vigorous leadership, in city after city, the elections were bitterly contested. The support of the more conservative element was often lacking—partly due to social or financial ties with the monopolistic interests. This absence of support from an element usually the centre of better government formed one of the chief obstacles in the struggle. It tended to force to the front a leadership that frequently savoured of the demagogue, and one not always wholly disinterested. But the real significance lay not in the leadership, but in the popular support accorded to an attitude essentially democratic in its opposition to privilege. This support at times strengthened the hands of unscrupulous men who took advantage of the opportunity to 'hold up' corporations for large bribes to avert hostile legislation or municipal ownership.<sup>2</sup>

The change in feeling toward utility interests was noted in the previous decade; the consequent change of policy now followed rapidly. The attitude of hostility was based upon definite arguments, and revealed a side

<sup>1</sup> e.g. Alabama, 1901.

<sup>2</sup> For typical accounts in a popular style, cf. Johnson, *My Story*; Lindsey, *The Beast*; Steffens, *Shame of the Cities*; and (for more dispassionate analysis) numerous articles in the *National Municipal Review* and the *American Year Book*.



of public opinion which had scarcely entered into English civic life. Monopoly was thought to be sinister, unfair, and, above all, undemocratic. Furthermore, there was a growing realization that its profits were very great. Consequently it was felt that the city, contributing as it did the use of its streets, etc., should share in the returns. In a larger way the leaders and the more thoughtful citizens generally saw how widespread were the ramifications of the problem, how closely it involved corruption, and how it had prostituted the public service. Something of this attitude was now also spreading among the voters at large, as such books as Steffens' *Shame of the Cities* and Lindsey's *The Beast* came to be better known.<sup>1</sup>

Effective fighting was difficult, and seemed to involve the workability of the whole electoral system.<sup>2</sup> The power and methods of the corporations have already been traced.<sup>3</sup> Involved with the 'machine' were often the contractors, the law-breaking interests, and similar elements in the state legislatures. While the combination prevented success for so long, this very power was so sinister that it challenged the combative instinct in the popular mind. Thus the accomplishments became more substantial. The public utilities were now seen to be, by nature, essentially monopolistic; and the democratic instinct insisted on an equitable handling of the problem. Efforts to establish or maintain competition became rare, and seldom obtained a measure of success.<sup>4</sup>

<sup>1</sup> Control of the public utilities was a constant issue in most large cities, notably Cleveland, Chicago, and Indianapolis.

<sup>2</sup> In the Illinois legislature (1903) the Speaker refused a roll call on a bill presented by the traction interests, and was driven from the Assembly by force. A municipal ownership bill for Chicago was then passed (cf. King, 'Reform Movement in Chicago', in *Annals*, March 1905). In Denver the public utilities virtually controlled the government during the entire decade (King, *Denver*, p. 292).

<sup>3</sup> Cf. p. 138.

<sup>4</sup> e.g. Indianapolis 1909. A public-spirited effort in the form of a 'Citizens Gas Company' was met by the company, which previously held a monopoly, by a reduction of charges to large consumers (*American Year Book*, 1910, p. 229).

§ 6. *Remedies for monopoly.* All this was symptomatic of the changed attitude. Safeguards over franchise (i.e. monopoly) grants were introduced.<sup>1</sup> These took varied forms; the favourite ones being those which provided for a popular referendum, for wide advance publicity, and for adoption by the council by more than a bare majority vote. Too prodigal a disposition of privilege was guarded against by constitutional provisions, general laws, or charter stipulations containing further restrictions, such as limitations of duration, provision for city purchase, etc.<sup>2</sup>

A tendency toward state control, in earlier years observed only in Massachusetts, now appeared elsewhere—notably in Wisconsin and New York. State administrative boards were created and were also vested with quasi-judicial powers over rates and service. The Wisconsin Law of 1907 recognized the principle of the legally protected monopoly, and as a corollary the jurisdiction of the state over private corporations.<sup>3</sup> The New York law of the same year created two Public Service Commissions, one for Greater New York and the other for the rest of the state. Their authority included wide power over the various types of utilities, the latter including even the telephone and telegraph companies.

<sup>1</sup> Houston, 1905. No franchise may be granted for more than thirty years unless submitted to voters. The expense of this election must be borne by the person applying, but even in this case the length must not exceed fifty years. Franchise must be read and published for three consecutive weeks after final passage, and a referendum may be invoked any time within thirty days. Every franchise must provide adequate compensation and also an annual fixed charge. Provision for its reversion to the city at expiration in the event of compensation must not take into account 'the value derived from the franchise, or the fact of its being a going concern'. Every franchise shall provide for efficiency at reasonable rates. The city reserves the right to inspect the books and regulate the rates (Carroll, *Houston*, pp. 101-3) (Article ii of Charter, sec. 18, etc.)

<sup>2</sup> For exhaustive study of the question, cf. Wilcox, *Municipal Franchises*, 2 vol.

<sup>3</sup> Cf. Howe, *Wisconsin, an Experiment in Democracy*, pp. 33, 71, 75, 79, 81, etc. The law also included the 'indeterminate franchise'.

Other states adopted similar methods until, by 1912, there were commissions of this type in sixteen states.<sup>1</sup> By 1918 their adoption was general.<sup>2</sup>

The single tax doctrine obtained some adherents, and may be considered responsible for the development of the Somers system of taxation that was adopted in a few cities. This sought to eliminate favouritism by standardizing site valuations, and occasionally to assess all improvements at a lower rate than land.<sup>3</sup> The effect was the taxation of the corporations on the same basis as other property owners, and the taxation of land into use so as to thwart speculation.<sup>4</sup> It was a by-product of the general democratic movement directed against vested economic interests, which succeeded in America, but was handicapped in England because of the extent of parliamentary control over the cities.

For the early part of the period, the ultimate way out of the public utility problem appeared to be municipal ownership.<sup>5</sup> It appealed to people partly on the basis of

<sup>1</sup> *American Year Book*, 1912, article, 'Public Services'.

<sup>2</sup> *Ibid.* 1918; cf. p. 310 f.

<sup>3</sup> e.g. Houston, St. Paul, Cleveland, Pittsburg, Scranton, etc. Cf. Triplett and Häuslein, *Civics—Texas*, p. 133, for explanation. For gradual reduction in Pittsburg, cf. *The Pittsburg Plan*, by Allied Boards of Trade of Allegheny County; and *National Municipal Review*, 1915, p. 618. Cf. Johnson, *My Story*, pp. 127 ff., for its Cleveland origins.

<sup>4</sup> Cf. p. 525.

<sup>5</sup> 'It is the resentment incited by such corruption and by evidence of the controlling power of the ill-gotten wealth in local politics, that are the chief forces behind the movement in our cities for municipal ownership.' (*Proceedings, National Conference for Good City Government*, 1901, p. 67.) As late as 1910 the Citizens Party won the election on this issue in Denver (cf. King, *Denver*, p. 293). Only in Milwaukee of the large cities did the Socialist Party actually obtain control of city government (Larson, *Milwaukee*, p. 156, etc.). The largest municipal project was the N.Y. City subways. These were leased to a private company (*American Year Book*, 1913, p. 302, etc.).

One of the most pernicious forms that corruption assumed was in the matter of under-assessment of the utilities. In New Jersey, where the railroads had been subjected to only trifling taxes, a movement to raise the amount was successful in the city, only to be

securing the profits for a reduction of rates or taxes, but it also represented genuine disgust with the corrupting influence of privilege on the body politic. In the smaller cities, where the profits were of necessity small, municipal ownership of lighting plants had early gained considerable vogue. In the larger cities the case was different, the stakes were large, the issues complicated, the standard of public service relatively low. It was in these cities that the great battles were fought.

Somewhat later a counter movement set in, inspired in a measure by the utility interests threatened. It found popular support in the widespread distrust of city government as an administrative agency. This was not surprising in view of the frequent exposure of rascality and inefficiency.

A count taken about 1904 showed the following:

Waterworks.			Total Number.	Municipal.	% Municipal.
Cities over 30,000	-	-	135	95	70.4 %
10,000-30,000	-	-	302	152	50 %

Electric lighting and gas showed the opposite tendency with regard to size of city. In a total of 3,624 electric lighting plants 815 (22.5 per cent.) were municipally owned, but these furnished only 8 per cent. of the lighting. Municipal gas (20 out of 961 plants) comprised less than 1 per cent. of the total

blocked in the state, by limitation legislation and the tactics of the State Board of Equalization. So great was the popular outcry that the latter dared not enforce its orders. However, the railroads succeeded in creating County Tax Boards named by the Governor, and for a time escaped much of the rise (Sackett, *Modern Battles of Trenton*, pp. 213 f., 216). Similar tactics were adopted in Cleveland, and here also the state came to the rescue of the utilities (cf. Johnson, *My Story*, pp. 127 ff.; Williamson, *Finances of Cleveland*, p. 82). For Memphis (1908), cf. Young, *Memphis*, p. 264.

output.<sup>1</sup> In 1913, 1,443 out of 5,641 electric light plants (25·6 per cent.) were municipally owned.<sup>2</sup>

The following table will illustrate how little municipal ownership grew in the later years.

Expenses of municipal enterprises:

	1910	1918
Water works -	\$25,606,229 (133 cities)	\$39,699,280 (173 cities— including almost all above 100,000)
Electric Light and Power -	1,755,785 (17 cities)	5,050,679 (22 cities— varying size)
Street Rail- ways, etc. -	160,855	1,971,317 (\$1,476,288 —San Francisco)
Harbours, Docks, etc. -	3,159,667	2,906,107
Gas supply -	629,166 (5 cities)	1,115,947 (5 cities) (smaller cities)
Cemeteries -	828,177	1,232,974
Markets, etc. -	475,434	742,649
Public Halls -	91,333 (10 cities)	362,203 (37 cities)
Total (including Misc.) -	\$34,386,256	
	(184 cities enumerated)	(227 cities enumerated) <sup>3</sup>

By 1921, 30·2 per cent. of municipal debt was for 'productive' purposes.<sup>4</sup>

<sup>1</sup> Fairlie, 'Extension of Municipal Functions', in *Annals*, Mar. 1905, p. 103 f.

<sup>2</sup> Gesell, *Minnesota Public Utility Rates*, p. 25.

<sup>3</sup> *Financial Statistics of Cities*, 1918, Table 14, and explanation p. 87.

<sup>4</sup> *Ibid.* 1921, p. 26.

§ 7. *Local self-government.* Government by the central authority, an agency outside the control of the voters of the individual city, was naturally the subject of further attack by the exponents of democracy. Through the influence of democratic thought new pressure was brought to bear on a solution of the problem of state interference. The demand on the part of the city was insistent for a greater voice in its own affairs.

The old solution, attempted through general legislation prescribed in the Constitution, had either been thwarted by classification<sup>1</sup> or had been inadequate to deal with cities of great variation in size.<sup>2</sup> It was on the whole too inflexible to prove satisfactory in more than a few states—chiefly in the South where the cities were not large and their functions not intensively developed. Some few states (such as Maine) where the cities were small or the standard of public service high, kept the right of special legislation, but employed it with

<sup>1</sup> 'Fourteen grades and classes of cities and villages had been created and nine of these contained but one city. . . . When the number of classes and grades within them became so confusing as to discourage further amplification, particular cities were pointed out by such differentiating characteristics as that they contained a navigable stream, or were on the west side of a river, or embraced within their limits a park of a certain name, or offered other absurd distinctions; and laws were solemnly enacted conferring corporate powers upon these municipalities alone. . . .

'Home Rule was being completely destroyed. The General Assembly determined for . . . nearly every city . . . as well as for particular villages, what officers they should elect, what salaries they should pay them, what parks, streets, and hospitals they should build or improve, what their tax limit should be, what bonds they should issue, and what powers each and every department of the municipal government should possess.' (Ellis, *Municipal Code of Ohio*, 1912 edition, p. xii f.)

In Alabama (1911) Mobile, Montgomery, and Birmingham were in separate classes. The result was partially beneficial (McBain and Hill, *How we are governed in Alabama*, p. 143).

<sup>2</sup> In 1910, in Virginia, there was agitation for a return of special legislation—subject, however, to a local referendum (cf. *House Doc.* ii, Va., 1912). There was a similar difficulty in Pennsylvania due to the fact that Scranton and Pittsburg were in the same class (Hitchcock, *Scranton*, p. 363).

discretion.<sup>1</sup> Occasionally (e.g. Chicago) special legislation was made subject to a local referendum.

Where cities grew restive and threw off a partisan or corporation yoke, the interests might still invoke the influence of the state in a peculiarly pernicious manner.<sup>2</sup> The difficulty of united action on the part of dissimilar cities made concerted protest extremely difficult, however intensely the evil might be felt locally.<sup>3</sup> Notable among the unsolved aspects of central-local relations were the English heritage of limitation of municipal authority to specifically enumerated powers, and the limited view of the city which regards it only as an agent of the state.<sup>4</sup> The cry of 'home rule' grew more insistent, and came to mean the antithesis of any sort of restraint of city action by the state. The American constitutional system continued to develop solutions of the problem, by methods that were impossible under the British system. Through 'home rule' amendments of various types, it placed control of many phases of city life outside the pale of state legislative action and vested them in the cities—making them, to a corresponding extent, autonomous.<sup>5</sup> Oregon in 1906, through the initiative, conferred the charter-

<sup>1</sup> e.g. Mississippi seemed to have granted extensions of functions freely (cf. Jackson, *Commission Government Record*, vols. 1, 2).

W. Virginia (among others) reported too much of state's time so taken up (*Report W. Va. Municipal Code Commission* 1911, p. vii).

<sup>2</sup> e.g. In Ohio 1904, the election date was changed in order to discourage independence (Wright, *Bossism in Cincinnati*, p. 135). Particularly flagrant cases occurred in Pittsburg, Allegheny, and Scranton, where existing incumbents were legislated out of office (*Proceedings, National Conference for Good City Government*, 1901, p. 6), and in Jersey City (1901) to prevent ousting of the comptroller (Sackett, *Modern Battles of Trenton*, p. 105 f.).

<sup>3</sup> An example of combination occurred among cities of N. Jersey. (Cf. Sackett, *Modern Battles of Trenton*, vol. ii, chap. xx).

<sup>4</sup> e.g. Penn. Constitutional Convention, 1919, cf. *Proceedings*, pp. 485, etc.

<sup>5</sup> For the standard work on the subject, cf. McBain, *Law and Practice of Municipal Home Rule*; also, by the same author, *American City Progress and the Law*.

making power on her cities.<sup>1</sup> Michigan (1908) granted charter-making powers and a referendum on state-made special legislation. Colorado (1902) conferred on city government all powers not in conflict with the Constitution and general laws enacted thereunder. Certain other states took similar legislative or constitutional action.<sup>2</sup> Of these states Ohio<sup>3</sup> and Texas<sup>4</sup> showed the most notable results. California<sup>5</sup> and Washington continued to lead in a real appreciation of the possibilities of this type of municipal freedom. In some states only the charter-making power was conferred, but the most successful were those where the doctrine of 'specifically delegated powers' was abandoned, and where 'industrial' and 'fiscal' autonomy were added to political home rule.<sup>6</sup>

<sup>1</sup> Cf. Eaton, *The Oregon System*, p. 207, for extensions of the principle of local option in 1908.

<sup>2</sup> Similarly Ohio, 1912 (Kimball, *State and Municipal Government*, p. 383). For Wisconsin (1911), cf. Howe, *Wisconsin*, p. 64 f.; Oklahoma, 1907; Virginia, 1914, cities over 100,000 (cf. McBain, *Virginia*, p. 122); Nebraska, 1912; Arizona, 1910; Colorado, 1912; Texas, 1913, by legislative Act.

<sup>3</sup> Cf. p. 268.

<sup>4</sup> By 1916, 75 per cent. (39) of the cities over 5,000 had used the provision. Twenty of these were for new charters, the remainder for amendments (James, 'Home Rule Act of Texas', *University of Texas Municipal Research*, No. 13, p. 3).

<sup>5</sup> 'Until the last four years (written in 1912) the charters followed pretty closely in the beaten track; . . . especially of recent years they have used their power progressively. The San Francisco Charter of 1899 applied imperfectly the principles of initiative and referendum. Fresno charter of 1901 provided for the initiation of ordinances by petition of 15 per cent. of the voters. Los Angeles introduced the "recall" into American municipal affairs, 1903 . . . 1911 Sacramento charter provides the shortest of ballots. . . . We have enjoyed all the advantages of special legislation without its evils. We have charters which meet each peculiar need and they are in the main as progressive as we might hope for.' (Quoting Prof. Reed, Univ. of Calif., in Patton, *Home Rule in Iowa*, pp. 57 ff.) It did, however, prevent uniform accounting (cf. *Proceedings, Fourteenth Annual Convention* (1911) *League of Calif. Municipalities*, pp. 33 ff.). Cf. also, *California Blue Book*, 1911, p. 139.

<sup>6</sup> Cf. p. 582. On the other hand the N. Jersey Commission (1916) recommended the 'detailed rather than the general' grant (*Report*, p. 9).



After the war, agitation for similar privileges became general on the part of cities not already possessing them. The voters of Pennsylvania in 1922 adopted a 'home rule' amendment by 377,298 to 244,808. A similar amendment was ratified by popular vote in New York in 1923.

The experience of Ohio has been significant.<sup>1</sup> Classification had proceeded to such an extent by 1902<sup>2</sup> that the Courts finally declared any classification unconstitutional under the constitutional prohibition of special legislation.<sup>3</sup> The general legislation that followed imposed charters of a distinctly inferior type to those under which some of the cities (notably Cleveland and Columbus) had been governed. The general law was amended in 1908 imposing charters similar to the Federal Plan on all cities.<sup>4</sup> With the growth of commission government and the obvious necessity of concessions to local peculiarities and variations in size, a 'home rule' amendment was adopted in 1912. This permitted cities 'to exercise all powers of local self-government, and to adopt and enforce within their limits such local, police, sanitary, and other similar regulations as are not in conflict with general laws'.<sup>5</sup> Within eighteen months twenty-five cities in the one state accepted or rejected 'home rule' charters.

Nor does this type of constitutional amendment represent the whole of the recent American advance in this form of devolution. Without any constitutional compulsion the growth of optional legislation has been remarkable. Its most widely known use was in control of the liquor traffic; but others, almost equally significant,

<sup>1</sup> For accounts, cf. Orth, *Centralization in Ohio*, pp. 18 ff., etc.; Ellis, *Municipal Code of Ohio*, pp. xvii ff., etc.

<sup>2</sup> Cf. p. 129 f.; footnote 1, p. 265.

<sup>3</sup> The claim is made in Howe, *City, the Hope of Democracy*, p. 83, that the decision was made at the behest of the baffled traction interests.

<sup>4</sup> Cf. Orth, *Cleveland*, p. 248.

<sup>5</sup> State control over courts and finance was resumed.

marked the growing tendency toward further delegation of powers, which strove to retain the control and perhaps greater skill and wisdom of the state legislature. Instances of such delegation included Sunday observance, extension of functions, etc. New York in 1914 adopted an optional city charter law which contained a number of widely differing plans of government, any one of which might be chosen by cities of a certain size.<sup>1</sup> Grants of power have been readily extended to the cities,<sup>2</sup> except where some partisan or 'invisible' interest blocked. It has been just this last type of case that the optional legislation has thus far failed to remedy satisfactorily, and in which constitutional home rule has been most useful.

The aroused public opinion was not without considerable effect. There was growing a tacit recognition of the need for consideration for municipal wishes, that was mitigating the old evils of special and 'ripper' legislation and of narrow construction of powers. Yet this fundamental difference must be noted. Control and to a certain extent initiative still rested with the state legislature; while under home rule a greater degree of inviolable autonomy, with its accompanying necessity for self-reliance, was assured the city under the Constitution.

What abuses of power remain in the actions of state legislatures may be considered more as the wake of the old order. Yet even granting a most exemplary legislature, the question naturally arises whether spontaneous action on the part of the city is not only a better discipline for the political man, but is also in actual practice a better surety for good government. Considerations of a psychological character must aid in the verdict. This is of great importance to England as well.<sup>3</sup>

<sup>1</sup> Cf. *American Year Book*, 1914, p. 210, etc. No provision was made for direct legislation. Virginia (1914) passed a somewhat similar optional charter law (McBain, *Virginia*, pp. 123 ff.).

<sup>2</sup> e.g. New Haven at its first attempt (1915) was granted 'home rule' in its charter (Hill, *New Haven*, p. 106).

<sup>3</sup> Cf. p. 598.

This tendency to liberate the actions of the cities has introduced an element of vitality into American local government that has no parallel in Great Britain, where Parliament has become increasingly reluctant to yield its authority.<sup>1</sup>

§ 8. *The search for responsible government.* The greatest of the movements derived from the democratic motive may be said to include or involve the others. This movement was the demand for a *responsible government*—one that would assure the carrying out of the people's will. This demand was not new. What was new was the vigour with which it was prosecuted and the success of many of the remedies which it developed.

Though some of these remedies could trace their antecedents as far back as the '80's or '90's,<sup>2</sup> it remained for the period in question to give them anything to approach a national acceptance. In addition, the twentieth century worked out many devices peculiarly its own which were essentially characteristic of the confidence in popular government once it was given a fit and responsive machine on which to function.

It became evident that the defects in city government were deep-rooted and interwoven. As leaders saw the complications of their task, the leadership passed from the hands of the reformer and fell into the hands of the statesmen. The overthrow of a particular boss was seen to be temporary and inadequate. What was also needed was a revision, if not a revolution, of the machinery.

The various ballot reform and corrupt practices laws were strengthened.<sup>3</sup> Campaign contributions and ex-

<sup>1</sup> Cf. p. 406.

<sup>2</sup> Cf. p. 116.

<sup>3</sup> Indiana adopted the English practice of requiring a 'political agent' for each candidate. Cf. Penn., 1905 (*Proceedings of Conference for Good City Government*, 1906, p. 84); Oregon, 1908, by initiative (Eaton, *Oregon System*, p. 5); Georgia, 1905 (Knight, *Georgia and Georgians*, p. 1051); Wisconsin, 1911 (Howe, *Wisconsin*, pp. 54 ff.); Denver, about 1904, found it necessary to insert a provision virtually releasing those under indictment before the legislature would pass the bill.

penditures were especially the subjects of restrictive legislation.<sup>1</sup> Full publicity was no longer considered sufficient, and various restrictions as to source and amount were added. Occasional laws appeared aimed at preventing undue influence on the part of the employer over the employee.<sup>2</sup> Massachusetts in 1907 passed a comprehensive law which included among its provisions the regulation of political advertising, and the prohibition of soliciting money from candidates prior to nomination. Plural voting was more successfully fought than heretofore.<sup>3</sup>

Such matters, however, were but the more determined enforcement of an old policy. They still left untouched several vital obstacles to a government responsible to the people's will. For one thing the machinery had usually put a premium upon straight party voting, and had discouraged independence of any kind. The non-partisan primary and ballot were at first only experimental, but by 1914 were incorporated in the majority of new charters.<sup>4</sup>

The 'Massachusetts Ballot', providing for the arrangement of the candidates' names in alphabetical order, was more frequently used. In the first part of the decade the amount of independence actually shown under the circumstances was surprising.<sup>5</sup>

§ 9. *The short ballot as an aid to responsibility.* Even more serious in creating scattered responsibility was the extreme complication of the ballot. Where the voter in

<sup>1</sup> e.g. New York, 1906.

<sup>2</sup> e.g. Wisconsin, 1911.

<sup>3</sup> e.g. New York City, 1908. Minute questionnaire at time of registration. Answers were compared at election, if the voter was challenged.

<sup>4</sup> *American Year Book*, 1914, 'Municipal Government'. Cf. below, p. 333.

<sup>5</sup> *Ibid.* 1900-1905. In Iowa (1904) elections were held in fifty-seven cities. In three of these there was no opposition. In seventeen others citizens' or independent tickets were elected, and in nine others part of an independent ticket. Cf. also, *Proceedings, Conference for Good City Government*, 1901, p. 59; 1905, p. 55, etc.; Sheldon and Hannon, *Nebraska Municipalities*, p. 27.

an English city might be called upon to select three officials, the American was faced with the task of choosing three to six times that number.<sup>1</sup> In one sense this was a reflection of the greater complication of American city government; but in another sense it was the result of the policy of electing men who should have been appointed. The real error lay in a multiplicity of offices so confusing that obviously it was too difficult for the voter to secure information as to the fitness of the candidates for a particular office. Furthermore, the evident division of all responsibility thus implied was frequently used as a cloak to dodge all responsibility. This in turn was a reflection of something still deeper—the fact that, where checks and balances ruled, there might be in the charter itself no clear demarcation of responsibility; and even the officials might be uncertain as to their precise powers.<sup>2</sup>

In the application of the democratic spirit to the business of government, the responsiveness of officials to the electorate is fundamental. At last it began to be appreciated that simplicity was a pre-requisite to such responsiveness. Some substantial progress had earlier been made in the transfer of powers to the mayor. Nor was this tendency arrested to any considerable degree. The larger city tended toward the short ballot and the autocratic mayor of the Federal plan. New York City, with its Board of Estimate, can scarcely be considered an exception, for the importance of the Board of Aldermen is minimized. Chicago only was unaffected. Perhaps this was because the earlier effectiveness of the reform movement, even under the clumsy charter, tended to obscure the advantage to be gained through simplicity. Philadelphia, Detroit, Cleveland, St. Louis, San Francisco,

<sup>1</sup> e.g. Chicago, 1906, an instance of 334 names. Milwaukee in 1915 elected unnecessarily twenty-five or more officials who should have been appointed (*Milwaukee County Government*, p. 3 f.).

<sup>2</sup> Prior to 1907, the City Hall in Des Moines was known as the 'circumlocution office' (cf. Shambaugh, *Commission Government in Iowa*, p. 10). Cf. also, Portland, Ore., in Gaston, *Portland*, p. 337.

Boston, Cincinnati, Pittsburg, Baltimore—in fact, virtually all the larger cities obtained revised or new charters providing a small unicameral council and a powerful mayor.<sup>1</sup> By 1915, only nine of the largest fifty cities were under bicameral councils.<sup>2</sup> In 1923, Kansas City and Richmond were the sole survivors among large cities. In almost all the new charters of the period there resulted a substantial reduction in number of elective officials, thus showing an appreciation of the intrinsic merit of simplicity.

§ 10. *Commission government.* The appearance of the commission form of government<sup>3</sup> among the smaller cities, though of a similar basic principle to the movement for strengthening the mayor, brought a diametrically opposite result. In part its beginnings may be called

<sup>1</sup> Paterson (1907) included power to appoint Board of Education (Shriner, *Paterson*, pp. 97, 104). Denver (1916) returned to a strong mayor after a trial of commission government (*American Year Book*, 1916, p. 208). In Philadelphia certain appointments having been transferred from the mayor to the council by the state legislature (1905), such a popular outcry followed that the measure was repealed in special session. In Providence, where different electorate had resulted in a Democratic mayor and a Republican council and state legislature, the latter tended to enhance the powers of the council (Kirk (Edit.), *Providence*, p. 160). Cf. the 1909 charter of Indianapolis which reduced the council to nine, nominated by districts and elected at large (Dunn, *Indianapolis*, p. 433). Cleveland (1913) took immediate advantage of the grant of home rule (cf. p. 268) to restore the 'Federal Plan'. Richmond (1912) adopted government by an 'elected administrative board', only to replace it in 1918 by a strong mayor—with a bicameral council (*Reports*, Richmond, 1916; *American Year Book*, 1918, p. 248). For Detroit (1918), cf. *ibid.* p. 247; for St. Louis (1914), *ibid.* (1914), p. 211; for Philadelphia (1919), cf. Joyce, *Philadelphia*, p. 7. A typical charter was that of Toledo, 1914, which provided, under the 'Federal Plan', for non-partisan, preferential voting, direct government, and the short ballot—mayor, vice-mayor, and ward councillor (*American Year Book*, 1914, p. 212).

<sup>2</sup> Philadelphia, Baltimore, Kansas City (Mo.), Providence, Louisville, Atlanta, Worcester, Richmond, Cambridge.

<sup>3</sup> Bradford, *Commission Government*; Chang, *History of the Commission and City Manager Plans*; Woodruff, *City Government by Commission*; Bruère, *The New City Government*; Ryan, *Municipal Freedom*. Cf. Bibliography published by the Library of Congress.

the result of accident, in part they may be considered to have been caused by an unusual need for definite and efficient responsibility. In one sense it was the infinite variety of type permitted the American city that made its spontaneous evolution inevitable. A definite departure from the accepted canons of American political thought was at last made through uniting in the same officials the legislative or appropriating agency and the executive or spending medium.<sup>1</sup> It differed radically from the ordinary American type in other ways, not the least important of which was the conscious or unconscious application of the principles of the short ballot and of unified departmental administration. Thus the commission seldom exceeded seven men. Five was the usual number. Each commissioner acted as executive head of a single department of city government. For administration by committees (still quite common in smaller cities) it thus substituted what had proved a salutary feature under a responsible mayor.<sup>2</sup>

The first commission government—known as such and consciously imitated elsewhere—was in Galveston, Texas.<sup>3</sup> The flood of 1901 had brought a major crisis in civic affairs; such that the old clumsy partisan

<sup>1</sup> This was already the case in many county governments, and had, with minor variations, formed the governments of Memphis and New Orleans in the recent past (Young, *Memphis*, p. 229 f., 238, etc. ; Behrman, *Address at Tulane*, var. ; Howe, *New Orleans*). Traces of it were still left in the framework of the former. It was furthermore significant that these two cities were among the first to adopt it again, once it became recognized as a sound type. An 'instinct' for this type was manifest in the preceding decade by the formation of single boards, which were designed to correlate a number of functions (cf. p. 163). Though the fact was neither appreciated nor adduced as an argument till the movement was well under way, the commission type was surprisingly like the original American cities formed from the British model. This fact later served to break down much of the theoretical opposition based on its departure from 'separation of powers'.

<sup>2</sup> Cf. p. 108.

<sup>3</sup> *Galveston in 1900*, p. 23, etc. ; Cheesborough, *Galveston's Commission Form*.

irresponsible mayor and council government seemed pitifully inadequate. Such a crisis was essentially only an exaggeration of what had been true in practically every American city. The crisis served to make more obvious the inherent weakness of the system. The plan adopted to meet the emergency is well known. All authority was vested in a board of five commissioners, three of whom were appointed by the governor of the state and two popularly elected.<sup>1</sup> Later, due to constitutional difficulties, all were chosen by the people. Various departments of city administration were assigned to each, and each commissioner could nominate his subordinates, audit his accounts, and prepare his budget. The five jointly confirmed all appointments and prepared the general annual budget. The effect of so simple a plan, supported as it was by public opinion, was so salutary that what had originally been planned as temporary was made permanent. The first blow at 'separation of powers' was struck. The desire for clear and undivided responsibility had proved too strong for the old formulas.

Subsequent progress was at first very slow. 'Many people appeared to hold the opinion that municipal governments were instituted largely for the purpose of elaborating and demonstrating abstract theories and that . . . it was of more importance to vindicate a political doctrine than to do a particular thing efficiently.'<sup>2</sup> They preferred to defend separation of powers, the long ballot, and ward elections in the face of their almost complete failure, rather than admit the American city had been on the wrong road. However, the example of

<sup>1</sup> The parallelism with the earlier experience of Memphis is very close. There a yellow fever epidemic was the cause of abrogating the ordinary type of government in 1879. (Cf. Young, *Memphis*, p. 188, etc., for full account.)

<sup>2</sup> Quoting an editorial in the *Dallas-Galveston News*, which pointed out the freedom of German cities from political dogmas (Putman, *City Government in Europe*, p. 136).



Galveston soon spread to other Texas cities,<sup>1</sup> and thence outward to some of the smaller cities of other states that had given evidence of independence of thought in the past, such as Des Moines and Memphis.<sup>2</sup> By 1910 'commission government' became a municipal issue in a large percentage of the small or middle-sized cities. In 1909 twenty-three new cities adopted it, and in 1910 the number of further adoptions jumped to sixty-six. By 1913, no less than 371 cities were governed by commission.<sup>3</sup>

The enthusiasm for commission government reached its height about 1914, though the gains after that time were steady—particularly where constitutional or other circumstances made the city manager plan difficult of adoption. Some few cities, notably Denver and Lynn, disappointed at not finding the plan a 'cure all', returned to the old plan.<sup>4</sup> In some cases this return represented a temporary victory for the old political machine; in others it was found that the commission plan might prove deficient in unity—resulting in 'five little mayors'. Pennsylvania, Utah, and New Jersey incorporated it in general law. Itself an evidence of breaking away from tradition, there is little wonder that it began to manifest great variety in details. It soon incorporated most of the ideas of the new municipal thought such as the

<sup>1</sup> Houston, 1905; Dallas, 1907; etc. The mayor of Houston was, however, given extra powers (Carroll, *Houston*, p. 101). This persistence of the 'strong executive' continued, and in some cities (e.g. St. Paul, Chattanooga, Houston, Dallas) the mayor was given the right of veto. Independent election is also becoming increasingly frequent (Kimball, *State and Municipal Government*, p. 436 f.).

<sup>2</sup> Des Moines, 1907, after some of its citizens had seen the Galveston Plan in operation (Shambaugh, *Commission Government in Iowa*, p. 10). The origin in Memphis (1909) was state, not local. A previous attempt (1907) had been held unconstitutional (Young, *Memphis*, pp. 260 ff., 277 ff.).

<sup>3</sup> Data from *American Year Books*, 1909-1916, articles, 'Municipal Government', for this and the following paragraph.

<sup>4</sup> For Denver, cf. *American Year Book*, 1916, p. 208; for Lynn, *ibid.* 1918, p. 249.

initiative, referendum, recall, non-partisan ballot and primaries.<sup>1</sup> Much of its success has been due to these devices of direct government, to non-partisanship, to provisions for franchise protection, and to election-at-large—which provisions, while not inherent, it has tended to incorporate. The essential feature remained the concentration of all city affairs (saving only the schools) in the hands of a single board, which collectively legislated and individually administered.

§ 11. *Direct government.*<sup>2</sup> Finally the democratic movement had assumed an 'anti-boss' aspect. The determination of the people to have a greater share in the government as well as to have a more responsive government brought conflict with those interests which profited by the old order. One of the greatest obstacles to democratic progress being the party machine, virtually all the devices or manifestations of democracy heretofore mentioned were pervaded in some degree by this anti-boss resentment. But in none was it so strong as in the movement toward direct government. This expressed itself in the Swiss initiative, referendum, and recall, and in the American direct primary. In states and cities of what purported to be a democratic country, the power wielded by the boss was so illogical, his methods so autocratic, and his disregard of the popular will so flagrant, that the rising tide of resentment was inevitable.

However, direct government was more than an 'anti-boss' movement. Largely Western in its earlier stages,<sup>3</sup> it had something of the freshness of Western thought, together with a disregard of the traditional. It had a

<sup>1</sup> Des Moines and Dallas claim the honour of having introduced direct government into the commission form (cf. p. 279). N. Jersey, 1914, substituted preferential voting with nomination by petition for the non-partisan primary. (Cf. Stowe, *Voter in Command*, p. 13 f.)

<sup>2</sup> Cf. Oberholtzer, *Initiative, Referendum, and Recall*; *Encycl. of American Government*, article 'Initiative'. For S. Dakota, cf. Bacon and Wyman, *Direct Election and Law Making*.

<sup>3</sup> South Dakota, California, Iowa, Washington, Nebraska, etc.

legitimate place in a self-confident democracy, because more clearly than any other of these twentieth century changes in government it represented trust in the popular will. There is no disposition at this point to enter upon any controversy as to the merits of direct government, particularly as the merits vary so widely with the intelligence of the electorate and with the complexity of the questions involved.<sup>1</sup> It is sufficient to indicate that the motive that produced it was essentially *democratic*. Thus one more element entered, that furnished a contrast with British cities.

It will be remembered that the use of the referendum was no new thing in American government.<sup>2</sup> Even in the cities it had often been employed in the adoption of charters, the granting of franchises, or occasionally to ascertain informally the popular will on controversial questions. The Populist and other minor parties had included in their platforms declarations favouring the initiative and referendum. One aspect of the awakening in American government had been the widening outlook that expressed itself in the comparative study of institutions. This had been responsible for a degree of Swiss influence. By 1900 South Dakota and Nebraska<sup>3</sup> had made the initiative and referendum available for their cities; and by 1910 six more states had taken similar action. These were in addition to other states that had included these devices in special charters, and to others in which home rule provisions had made them theoretically available.<sup>4</sup>

A further radical extension of the people's power came in Los Angeles (1903) in the form of the recall of officials.<sup>5</sup>

<sup>1</sup> Cf. p. 509.

<sup>2</sup> Cf. p. 70.

<sup>3</sup> Omaha, 1906; Lincoln, 1907. Local option on certain questions was made legal in 1911, but had taken place informally earlier (Sheldon and Hannan, *Nebraska Municipalities*, pp. 9, 27).

<sup>4</sup> Data from Oberholtzer.

<sup>5</sup> This seems to have been in imitation of the Swiss Canton of Schaffhausen.

It gained acceptance elsewhere somewhat less rapidly than the initiative and referendum.<sup>1</sup> Dallas and Des Moines, in 1907, included the three in their new commission government charters.<sup>2</sup> For several years this type of completely responsible government was the standard which reformers came to consider the goal of municipal charter-making.

The use of these new tools of democracy by the cities whose charters contained them was less extensive than might have been expected. The recall especially seemed to serve as a stimulus to efficient service through the possibility of its use rather than as the weapon of a changeable public wishing constantly to shift the party in power.<sup>3</sup> As experience made clear the proper sphere of these devices, their use in cities tended to be more discriminating.

The second major aspect of direct government was the direct primary.<sup>4</sup> Beginning with optional or experimental laws, it first became adequate and state-wide in Wisconsin in 1903.<sup>5</sup> Thenceforward it spread rapidly, though some of the laws were incomplete or imperfect—often through the influence of the political machines whose powers were threatened.<sup>6</sup> The essentially democratic characteristic was the substitution of a simple direct popular vote in nominations for the old complicated caucus or delegate system. This added one more

<sup>1</sup> Seattle adopted it by the initiative in 1906 (Meany, *Washington*, p. 313).

<sup>2</sup> Dallas claims that Des Moines copied from its charter (Dallas, *Municipal Handbook*, 1913, p. 7).

<sup>3</sup> Los Angeles, 1904, 1909, 1913 (all officials) (cf. *Proceedings, National Conference for Good City Government*, 1909, p. 108). (Cf. Eaton, *The Oregon System*, misc.)

<sup>4</sup> Cf. Merriam, *Primary Elections*; Deming, 'Municipal Nomination Reform', in *Annals*, March 1905. These have been largely followed in this paragraph.

<sup>5</sup> Howe, *Wisconsin*, p. 51. In Baltimore, 1902, though optional, the law was adopted by both parties.

<sup>6</sup> e.g. N. Jersey, 1903, etc. (Sackett, *Modern Battles of Trenton*, vol. ii, pp. 160, 163).

to the democratic devices that were leavening and popularizing city government.

§ 12. *Governmental experimentation.* Further combinations and refinements of these devices appeared, owing to the spontaneous and varied character of city government. Occasionally primaries were made non-partisan as well as direct.<sup>1</sup> The preferential ballot to guard against minority rule came to be a quite frequent provision in the more advanced of the new charters.<sup>2</sup> Nomination by petition gained increasing favour. It is noteworthy that this for a long time had been the policy in British cities, where a primary had no legal significance. Proportional representation was tried in sundry forms, notably by several of the commission cities. The most advanced form in which this has appeared has been the 'Hare System' as used in a few small cities and as incorporated in the new Cleveland and Cincinnati charters.<sup>3</sup>

Though these devices were most common in the commission and city manager forms of charter, they were by no means confined to them. A study of all these experiments is interesting and important, but their broader significance in city development lies in their attempt to realize complete democracy.

#### FORCES IN MUNICIPAL EVOLUTION—(II) LEADERSHIP

§ 13. *The type of leadership.* Underlying the new democracy, was the new leadership. The arousing of the people made the success of the leader possible, and at the same time the strength of leadership contributed

<sup>1</sup> Among the first was Grand Rapids (1903) for library commissioners (cf. *Proceedings, Conference for Good City Government*, 1909, p. 295 f.).

<sup>2</sup> e.g. in primaries in Washington, 1907 (Meany, *History of the State of Washington*, p. 313).

<sup>3</sup> Ashtabula, Boulder. Elsewhere its constitutionality has been attacked—usually successfully. Cf. *Proportional Representation Review*, var.; also, Anderson, 'Constitutionality of Proportional Representation', in *National Municipal Review*, Dec. 1923.

greatly to the better functioning of the popular will. The voluntary organizations were valuable in supplying information and in providing a channel for intelligent criticism; but leadership, such as that of Johnson of Cleveland<sup>1</sup> or Folk of St. Louis,<sup>2</sup> provided the energy to translate these facts into action. The tendency of Americans toward hero-worship created strong likes or dislikes of the personalities that figured in governmental affairs. The doctrine of the independent executive had borne its logical fruit in a concentration of public sentiment upon the single man who held the chief place in each governmental unit.<sup>3</sup>

This leadership showed great variety of type. It was often picturesque, and usually possessed a sense of the dramatic. Those leaders seemed to achieve the most permanent success who used best the principles of human psychology in bending to their will a changeable and at times lethargic public opinion.<sup>4</sup> It was still too much to expect that democracy would be at the same time militant and impersonal. In the early years it was enough that democracy was following the best when the best was dramatically presented.

§ 14. *Voluntary organizations.* The work of civic associations and similar organizations did not now occupy so large a place in the public eye. The issues that had been created by these voluntary organizations were now

<sup>1</sup> Cf. Johnson, *My Story*; Avery, *Cleveland*, pp. 317 ff.

<sup>2</sup> Cf. Steffens, *Shame of the Cities*, pp. 142, etc.

<sup>3</sup> Some typical instances were Harrison, Chicago, 1901, 1903, who was re-elected on the traction issue (*Proceedings, Conference for Good City Government*, 1901, p. 67); Providence, cf. *ibid.* p. 88; Fagin, Jersey City, 1901, etc. (*ibid.* 1906, p. 87; Sackett, *Modern Battles of Trenton*, vol. ii, chap. xx); Jones and Whitlock, Toledo (Winter, *North-West Ohio*, p. 344). Gill, Seattle, was elected pledged first to a 'wide open' town—then recalled—then re-elected, pledged to a 'closed' town (Bagley, *Seattle*, pp. 555 ff.).

<sup>4</sup> The appellation 'silk stocking' was a factor in the defeat of Low for re-election as mayor of N.Y. City in 1903 (Myers, *History of Tammany Hall*, p. 305).

appropriated by leaders and made a part of the normal political battle. Nevertheless much continued to be accomplished. The value of criticism, co-operation, and research by these voluntary agencies can scarcely be overestimated.<sup>1</sup> The National Municipal League continued its work of publicity and constructive municipal thought.<sup>2</sup> About 1904 it began the publication of the *National Municipal Review*. Under the editorship of Clinton Rogers Woodruff, this served as a forum and became a powerful agent in disseminating information regarding progress in charter-making and administration.

The local voluntary civic organizations were returning to the old specialized types, especially where the efforts at general reform had been successful. Much of the energy was turned into channels of welfare or into securing law enforcement. The cry of 'reform' lost much of its old appeal.

When the significance of the popular awakening became apparent, even the more reactionary city administrations began to court the favour of many of these voluntary organizations. Hence the latter more frequently found the city officials eager to co-operate in their plans for civic betterment.<sup>3</sup> In part, too, this was the result of the more clearly defined responsibility of the later charters. It was becoming increasingly difficult to avoid the consequences of neglect of duty or to shift the blame for failures to comply with the popular will. There was a nearer approach to English conditions, where responsibility to the popular will was assured, in so far as a specific matter lay within the power of the

<sup>1</sup> Data on this subject is abundant. Virtually all such voluntary organizations published annual reports. These give a somewhat optimistic account. Cf. also the 'Symposium on Civic Organizations', in *Annals*, March 1905; the data of which is quite largely followed in this and the following paragraphs.

<sup>2</sup> Its recommendations were followed in the rejected Report of the Ohio Municipal Code Commission, 1902 (*ibid.* p. 161).

<sup>3</sup> e.g. for the co-operation extended by Mayor McClellan, cf. *ibid.* p. 177.

local authority. Yet too often the old American city habits of procrastination and camouflage remained, even in those cities whose charters might be considered among the most intelligently drawn. In many cities the spirit of independence was weak, the political cleavage strongly marked, and the leadership moribund. Yet, if in most cities the voluntary organizations were losing something of their earlier vigour, it was because they met with less opposition. The changed attitude toward them on the part of officials reflected the latter's consciousness of the new power of the people.

§ 15. *Corruption and reform.* The reform wave<sup>1</sup> culminated about 1903-1904. Not that city government generally deteriorated thereafter, for quite the contrary was true. It was rather that a subtle change was passing over the body politic which led the people to expect more from their officials, and the officials to render more to the people.<sup>2</sup> This was largely psychological, and by the opening years of the following decade it became evident that the shifting was from an emphasis on honesty to an emphasis on efficiency. The safeguards of the ballot, auditing, etc., coupled with greater success in charter-

<sup>1</sup> General accounts may be found in the (annual) *Proceedings of the Conference for Good City Government*; Brooks, *Corruption in American Politics*. Material on specific cities is abundant. The following will serve as typical: 'Cincinnati', in *Citizens Bulletin*, 1903; *National Municipal Review*, 1912, p. 140; Wright, *Bossism in Cincinnati*, Philadelphia, 1911, under Blankenburg, cf. Joyce, *Philadelphia*, pp. 300 ff. St. Paul, 1910, cf. Castle, *St. Paul*, p. 182 f. For Low, New York City, cf. Myers, *Tammany Hall*. Kansas City, 1904, *Annals*, March 1905, p. 196. Minneapolis, 1902, Ames, the corrupt boss, though elected four times, had never been re-elected (Steffens, *Shame of the Cities*, p. 68). In Louisville, 1906, sixty-two officials were ousted by court decisions on account of fraud, etc. (*Proceedings*, 1909, p. 13). Jersey City, cf. *ibid.* 1906, p. 87. Harrisburg, cf. *ibid.* 1902, pp. 119 ff. Indianapolis, 1903, where the overthrow of the machine was in the primaries, cf. Dunn, *Indianapolis*, p. 429. Evansville (decade), cf. Gilbert, *Evansville*, p. 269, etc. St. Paul, cf. Wetmore, *Battle against Bribery*.

<sup>2</sup> e.g. Parsons, *Minneapolis*, p. 172; *National Municipal Review*, 1917, p. 230 f., for Pittsburg.



making, were becoming of real effect. To this extent the 'faith in the automatic' was justified.

A 'reform' movement demanded flagrant or sinister abuses in the opposition. People had to be shocked to arouse enthusiasm. Moreover, it was no longer expected that all city officials would be wholly self-seeking, and the municipal 'hero' became a recognized type.<sup>1</sup> The combination of the new leadership with the popular awakening made this phase of civic evolution peculiarly interesting.

Corruption presented no specially new aspects. Of necessity it was made 'safer' and perhaps tended more in the direction of the hold-up of private corporations than of defrauding the city treasury.<sup>2</sup> It was correspondingly more difficult to discover, but the number of exposures of the old type of corruption that had occurred in the early years of the period had created an exaggerated idea of its extent.

The hold of the political machine was shaken, but not permanently broken. Reaction too often followed reform, but was usually an improvement over the old corrupt government.<sup>3</sup>

A characteristic phenomenon was the frequency with which supposedly 'machine' candidates after election

<sup>1</sup> Cf. Steffens, *Upbuilders*.

<sup>2</sup> e.g. The N.Y. Contracting and Trucking Company received the contract for digging the Penn. R.R. site—although \$400,000 higher than a competitor. John J. Murphy and Alderman Jas. E. Gaffney made up the firm. The former was the brother of the Tammany chief. Previous to the award of the contract, the Board of Aldermen had steadily refused to grant permission (Myers, *History of Tammany Hall*, p. 311). For more recent payments by the Minneapolis street railway interest to the bosses of both parties, cf. Olmstead, 'The Twin Cities and the Holding Company', in the *National Municipal Review*, July 1923.

<sup>3</sup> Cleveland, 1910-11 (Avery, *Cleveland*, p. 332); Chicago, retrograde (*American Year Book*, 1910, p. 240; 1913, p. 227; 1917, p. 210, etc.); Cincinnati (Goss, *Cincinnati*, p. 270, etc.); San Francisco (Young, *San Francisco*, p. 895; Hichborn *The System*, p. 460, etc.). For more recent bossism or corruption, cf. *National Municipal Review*, 1923, pp. 12, 83, 345, 376, etc.

proved to be independent—often entirely disregarding the wishes of the bosses in order to give the people the best possible administration.<sup>1</sup> Instances of this have a twofold meaning. They showed that the strength of the popular will was such as to make this course practicable, even for those who sought re-election. They also illustrated the higher type of candidate demanded by the increasing idealism and enlightenment. Thus, though the party machine usually remained, there was a hopeful tendency on the part of the bosses to select stronger and more honest men as their candidates—particularly for mayor.<sup>2</sup> Even granting that the bosses' power was not shaken and that their methods continued successful, slowly and surely they were wisely yielding somewhat to a growing civic consciousness. They realized that their continuance in power, with its attendant profit, could no longer be secured by means that were openly flagrant; but necessitated some appeal to the better side of men.

After all, the boss but expressed the mind of the city; and would always have been powerless had the people seriously cared. With the city's mind on an higher plane, even the boss may find a legitimate sphere in the human side of organization, and in bringing forward from the masses the most promising candidates.<sup>3</sup> The boss probably yields as little to the voters as is necessary to retain his powers. However, it is significant that he is making increasingly large concessions.

Reform from agencies other than the city proper was

<sup>1</sup> e.g. Weaver, Philadelphia, 1905; Mahool, Baltimore, 1909; McClellan, New York, 1905. For McClellan, cf. *Proceedings, Conference for Good City Government*, 1905, pp. 62 ff.

<sup>2</sup> e.g. Gaynor, New York (*American Year Book*, 1910, pp. 239 ff., etc.). Fleischmann, Cincinnati, might be considered a parallel case. (Cf. Wright, *Bossism in Cincinnati*, var.) An instance occurred in Elmira of a joint compact between the bosses of both parties to do away with bribery and to prosecute jointly (*Proceedings, Conference for Good City Government*, 1907, p. 100).

<sup>3</sup> e.g. Gov. Alfred Smith, N.Y. State.

also more hopeful. There was much an intelligent state government could do for a city, especially in standardization and research. With better state governments, was coming a restoration of confidence.

#### FORCES IN MUNICIPAL EVOLUTION—(III) EFFICIENCY

§ 16. *Origins of the efficiency motive.* Efficiency as a motive in civic development was later in its origin and adoption. The efforts toward efficiency were neither so spectacular, nor perhaps so interesting, as the struggles for honesty and responsibility of the preceding years. This was because the human element and the appeal to the emotions were wanting. The work toward such an ideal remained, for the most part, unobtrusive and highly technical. The manifestation of efficiency is dual. It leads to a close scrutiny of detail, and to a re-alinement and co-ordination of the great services of administration. If one likens the triumph of reform to the triumphs of war, by the same analogy the achievements of efficiency may be called the achievements of peace; for it is by such means the standard of living is improved and resources are better utilized. Those with an insight into the 'mission' of the city realize that it is in such a direction that city government must move. If city government is to become truly a social instrument, it must conserve its resources in order to become worthy of confidence. The great question underlying this is whether the popular will is evolving a form of government that can function at the same time efficiently and responsively.

The emphasis laid upon efficiency can best be understood through a consideration of the factors that were responsible for it. These were the result of psychological and other forces external to government. In the first place must be noted the gradual restoration of confidence in those who administered civic affairs—the beginnings

of which occupied so large a part of the struggles for honesty and responsiveness in the preceding two decades. This was a prerequisite to direction of effort into channels other than reform. The reform must first clear the ground and restore confidence, before attention can properly be directed to the attainment of refinements and improvements in service. The idea of prevalent dishonesty was gradually waning, and as it waned, the incompetence inherent in the old methods became noticeable and seemed to offer the next field for improvement.

Reference has been made to the growth of a 'business sense'. American 'scientific management', 'mass production', and 'big business' had become commonplaces throughout the world. Virtually all these had been made possible in private enterprise by efficiency. The 1910-20 decade has seen a further application of efficiency to the church, the school, charity, and—by no means the least—to city government. It has become a part of the American's creed, and apparently represents a permanent factor in civic administration.

Another obvious element in the psychology of the American has been an intense pride in his city.<sup>1</sup> The saving element in this pride was a willingness, or even an eagerness, to copy the best from the experience of other cities abroad as well as at home.<sup>2</sup> With the enlightenment of the new century came the realization that, relative to many European cities, the American municipalities were sadly deficient, and disgracefully lax in their methods. The local institutions, unlike those of England, had been neither so satisfactory nor of so long standing, as to warrant a devotion to peculiarly national traditions.

<sup>1</sup> *Babbitt*, by Sinclair Lewis, gives a not too flattering picture of this pride.

<sup>2</sup> Cf. Shaw, *Municipal Government in Great Britain, et al.*; Howe, *British City, et al.*; Putnam, *City Government in Europe* (a study of the city of Houston). Recently Commissioner Leach of the N.Y. City Police toured Europe for ideas.

Therein lay an element of strength; for, though it frequently brought a tendency to over-experiment, it brought also a susceptibleness to experience elsewhere.

In addition to the causes that were primarily psychological in nature, efficiency was the result of the simultaneous presence of a desire for a wider civic programme and of a need for economy. Twice in this period (1914 and 1921) the economic cycle brought a crisis; and in the latter and more severe instance, the pressure was sufficient to bring something resembling the reform waves that followed the panics of 1872 and 1893.<sup>1</sup> Then, too, for a number of years there had seemed to be an unmistakable rise in the cost of living relative to the wage return. There was no disposition to yield in the standard of private living where the result was a better use of the money available. Likewise there was the call; not for curtailment of municipal service, but for the better use of the cities' funds through the elimination of waste and through efficiency methods. The genuine measure of success attending this was a tribute to the soundness of the principle of executive domination in charter-making. The English city was relatively deficient in similar means to effect such correlation.<sup>2</sup>

The war, with its depletion of personnel, compelled re-alignment of the civil service to make 'one man do two men's work'. To this was added the pressure for new functions and for an higher standard of service. Money for this, under the exigency of a political system responsible to the popular will, had to be found to a large extent through better adjustment and economy in administration, and through new sources of revenue, rather than through an increase in the property tax.

A further force was more subtle, and represented a measure of transfer of influence over city administrations from monopolistic utility interests to the competitive commercial groups. The value of a good government to a

<sup>1</sup> Cf. pp. 62, 147.

<sup>2</sup> Cf. p. 396.

city's growth in business was self-evident. New residents or new industry—with purchasing power—might thus be attracted. But there was a further cause for this, which gave promise of being more potent in the future. In the stringency of business, competition between two manufacturers located in different cities becomes such that each is eager to find even a small differential in his favour. This seemed to be translating itself into a demand for an efficient city government, or one which would cut the tax rate item in costs as low as possible. There were other ways in which a good city government could aid the employer. In reactionary cities, thinly veiled opposition to organized labour occasionally became part of municipal policy. Elsewhere cities aided in the maintenance of a contented and wholesome labour element. Thus the influence of the business man is often enlisted selfishly at times, on the side of economy, and toward expansion of the social welfare work of the city as well. Efficiency makes the two compatible.<sup>1</sup>

§ 17. *Efficiency methods.* Some attention is due the methods used to translate the efficiency motive into practice. The absence of the expert in the American city government was one of the defects to which attention had been most often drawn. There had been exceptions, but in general it may be said that American municipal thought had evolved no method for *developing, using, and keeping experts* in important administrative positions. The only notable success had been in education, a department usually administratively distinct from city affairs proper. The appointive superintendent of schools had come to be not only an expert but semi-permanent also.<sup>2</sup>

§ 18. *The city manager plan.* The charters began to respond to the new demands made upon them. If the

<sup>1</sup> The foregoing thesis is well developed in Gilbert, *American Cities: Their Methods of Business*.

<sup>2</sup> Buffalo continued to be exceptional in that it elected its Superintendent by popular vote (*Annals*, Jan. 1905, p. 172).

commission form of government be considered the answer to the demand for responsibility in government, then in like manner the city manager plan<sup>1</sup> reflects the demand for efficiency. Its essential feature is that it places all administrative control in the hands of a single man who is appointed by the commission or council. At least as early as the '90's, suggestions of 'municipal managers' were occasionally heard,<sup>2</sup> but nothing came of them. The study of city government that followed the reform wave brought a knowledge of the success attending city government in Germany under the *Bürgermeister* system.<sup>3</sup> This tended to revive the old suggestions. In its actual development, however, the plan seems to have been purely American,<sup>4</sup> though German experience was frequently cited in support of it.

The first recorded instance of its operation occurred in Staunton, Va., in 1908,<sup>5</sup> and may be held to have been a direct result both of home rule and of the infinite variety possible under the American system. It will be recalled that Virginia had incorporated a type charter for its cities in its Constitution, as a safeguard against the evils of special legislation. It made mandatory a mayor and a

<sup>1</sup> Standard books are: Chang, *Commission and City Manager Plans*; Toulmin, *City Manager*; Rightor, *City Manager in Dayton*. A comprehensive bibliography may be obtained from the Library of Congress.

<sup>2</sup> Cf. Rightor, *City Manager in Dayton*, p. 2, for early suggestions of a 'business government' in Dayton.

<sup>3</sup> e.g. in James, *Model Charter for Texas Cities*. In 1911 the Commercial Club of Indianapolis agitated for the 'business system', the council to select the mayor and commissioners (*American Year Book*, 1911, p. 194).

<sup>4</sup> An interesting foreshadowing occurred in an address by Mayor Wooldridge of Austin at the 1913 Convention of the League of Texas Municipalities: 'Yet in the commission form of government I have realized a need for a little more concentration of power in some one person than is characteristic of most forms of commission government. In other words, there is a tiny bit of the autocrat needed somewhere in efficient municipal government.' (*Proceedings, League of Texas Municipalities*, 1913, p. 7.)

<sup>5</sup> Cf. Bradford, *Commission Government*, pp. 119 ff.

bicameral council. Thus commission government was unconstitutional. In order to secure the benefits of unity, the mayor and council of Staunton devised the plan of hiring a 'city manager', who should take entire charge of administration, at the same time remaining responsible to them. This was successful from the start.

Soon after, the small city of Roswell, N.M.—under the old mayor-council type—instituted the office of 'city supervisor', but hired the mayor for the place.<sup>1</sup>

During 1910 the Board of Trade of Lockport, N.Y., drew up a city manager plan of government, apparently modelled after the form of business organizations.<sup>2</sup> Through lack of appreciation of home rule the New York legislators refused to grant it, yet it furnished the inspiration<sup>3</sup> for the Sumter, S.C., charter of 1912—or the first true city manager plan in actual operation. This latter was the result of amending the 'Columbia Bill', which had copied the Des Moines commission charter. The amendment empowered the commission to engage a person of sound discretion and good moral character (not of their number) at such a salary and upon such terms as they might decide, who should be subject to such rules and regulations as might be provided by the councilmen.

These beginnings possess an importance independent of the size of the cities. They represent the inherent vitality and the flexibility that were responding to the demand for efficiency.

The step of significance that ultimately made the city manager plan a municipal issue in virtually every city in the United States was its adoption in 1913 by Dayton, Ohio.<sup>4</sup> The business men of the city, under the leader-

<sup>1</sup> Ibid. p. 107.

<sup>2</sup> *Annals*, Nov. 1911, pp. 214 ff.

<sup>3</sup> *American Year Book*, 1913, p. 206.

<sup>4</sup> Cf. Rightor, *City Manager in Dayton*, pp. 5 ff., 16, etc., for perhaps the best account.



ship of J. H. Patterson of the National Cash Register Company, had for a number of years been agitating for business principles in government. Here, as in Galveston, a great catastrophe precipitated the issue. The Dayton flood accelerated, but did not cause the adoption of the plan. Fortunately, in 1912, Ohio had granted constitutional home rule, which cleared the way. The plan was an immediate and unquestioned success. If subsequent experience has brought refinements of the original city manager type, the underlying principles remain.<sup>1</sup>

The spread was very rapid—so rapid that one authority on city government made the statement that it was not a question of ‘Whether?’ but of ‘When?’<sup>2</sup> Before 1914 there were twelve cities under such government.<sup>3</sup> During 1914 thirty-three more adopted it, and in 1915 thirty-seven others. By 1923 there were 310 cities under city manager government.<sup>4</sup> Yet a closer examination reveals that until 1921 scarcely a city larger than Dayton had adopted it.<sup>5</sup> That it represented the best government known for the smaller American cities was not seriously doubted by students. In a peculiarly satisfactory way it represented the evolution of the principles of democracy, responsibility, and efficiency. Its use of direct government, the short ballot, and non-partisan elections, as well as the hired expert, made it more than a mere ‘business’ plan. No large city tried it until Cleveland, whose municipal record had been the best among large cities, committed itself to the experiment

<sup>1</sup> e.g. Norfolk, 1918, had a particularly strict guarantee for the independence of the manager from interference by the council. (Cf. *Charter, Norfolk*, 1918, sec. 9.)

<sup>2</sup> Gilbert, *American Cities: Their Methods of Business*, pp. 170 ff.

<sup>3</sup> This and subsequent data are taken largely from the *American Year Books*, 1914, etc., articles ‘Municipal Government’.

<sup>4</sup> *National Municipal Review*, May 1923, p. 269.

<sup>5</sup> Akron reverted (1923) to the mayor-council type. (Cf. *American Year Book*, 1918, p. 247; *National Municipal Review*, 1923, p. 639.)

by a charter going into effect on Jan. 1, 1924. It is not too much to predict that no other single event may prove so decisive in American charter development. Cincinnati followed two years later.

§ 19. *Efficiency and enlightenment.* The efficiency motive brought certain other remedies for the failure to develop, use, and keep experts in municipal government. The tendency in larger cities was to seek remedies other than the city manager plan. Thus the increased prestige of the independent executive attracted to the mayoralty men of executive ability who were ready to accept expert advice. Very considerable credit must be given to the Boards of Municipal Research which were introduced in most of the larger cities.<sup>1</sup> Their influence has been very great in introducing devices of business, such as the

<sup>1</sup> N.Y. City, 1906 (first); Philadelphia, 1908; Cincinnati, Memphis, 1909; Hoboken, Boston, Chicago, Milwaukee, St. Paul, Minneapolis, 1910; etc., etc. Some of these were public, others private. Many cities also established Municipal Reference Bureaus (cf. *Encycl. of American Government*, vol. ii, p. 487). Similar work was done by many of the states and universities. e.g. Nebraska *Legislative Reference Bureau*, 1911, 'Said bureau shall also maintain a special service upon municipal subjects for the use of city and village officials and other citizens interested therein, and shall in every way promote the diffusion of accurate and reliable information upon questions connected with the development of civic life in Nebraska' (Sheldon and Hannan, *Nebraska Municipalities*, p. 5); Oklahoma University, 1914 (*Municipal Affairs*, p. 5). Chicago (1909) established a 'Municipal Efficiency Commission', probably the first time the word 'efficiency' was formally applied to city activities (*American Year Book*, 1913, p. 211). The practice became quite frequent of calling in experts from other towns: e.g. Bridgeport called in Peter White of St. Louis (White, *Bridgeport*, p. 4). By 1913 the N.Y. Bureau of Municipal Research had a staff of forty-seven, and was conducting investigations and surveys for several other cities. The extent and nature of the work of these bureaus may be seen in the declared purpose of the San Francisco Bureau: 'To act as an incorporated, non-political, non-profit-making citizens' agency for securing the highest obtainable degree of efficiency and economy in the transaction of public business . . . in San Francisco, through investigating, collecting, classifying, studying, and interpreting facts concerning the powers, duties, actions, limitations, and problems of the several departments of government, and making such information available to public officials and citizens, and promoting the development of a con-

purchasing agent, cost accounting, standardization of employment, and other developments in personnel management, improved contract specifications, elimination of duplicating units—most of these being possible only to the city that is free to experiment.<sup>1</sup>

The municipal 'survey' became a recognized institution. The Sage Foundation led the way in Pittsburg and Springfield (Illinois).<sup>2</sup> Similarly the New York Bureau of Municipal Research conducted efficiency surveys in cities in all parts of the country, including Philadelphia, St. Louis, Portland (Oregon), etc.<sup>3</sup> Many surveys were of one function only, and were sufficiently thorough to prove valuable to cities other than the one surveyed. Notable among these were the education surveys of Butte,<sup>4</sup> and the education, recreation, and police and justice surveys of Cleveland.<sup>5</sup> Conduct of efficiency and financial surveys has now become a recognized field for expert private enterprise.<sup>6</sup>

structive programme for the city that shall be based upon adequate knowledge and consideration of community needs, thereby encouraging economy and efficiency in the conduct of public business in order that the taxpayer may be assured full return value in service rendered for taxes paid and money spent in governmental cost payment; and further to do any and all lawful things that may be necessary for and conducive toward the attainment of any and all the objects and ends hereintofore expressed.'—Bureau of Municipal Research (San Francisco), *Survey of San Francisco*, p. iii f. This survey is also a good one in which to study the meaning of 'municipal efficiency'. Cf. also publications of the Metz Fund—the result of a gift by ex-Controller Metz of N.Y. City to make available the best practice in municipal accounting.

<sup>1</sup> Cf. *American Year Book*, 1915, p. 227; *National Municipal Review*, Aug. 1923, 'Employment Management'. For Milwaukee, where the University of Wisconsin furnished an 'unofficial Bürgermeister', etc., cf. Howe, *Wisconsin*, pp. 48 ff.

<sup>2</sup> *Pittsburg Survey; Social Conditions in an American City* (Springfield).

<sup>3</sup> Cf. footnote 1, p. 309; p. 293. e.g. 'Survey, Reading, Pa.'

<sup>4</sup> Strayer, *Some Problems in City School Administration*.

<sup>5</sup> 'Community Recreation Program', 'The Cleveland School System', etc., etc., being the *Cleveland Survey*.

<sup>6</sup> Three different firms advertised in the *National Municipal Review*, Nov. 1923.

The development of agencies of comparison continued. By 1923 there were about twenty active Leagues of Municipalities.<sup>1</sup> The general purpose of these was well expressed in the Virginia League (1905): 'To promote systematic collection of information relating to municipal affairs; to foster the exchange of suggestions between municipalities on matters of municipal interest; to propose, and so far as possible, to influence legislation necessary to proper municipal administration and growth; and generally to interest the public in and advocate all ideas tending to bring the municipalities of Virginia abreast of the best municipalities of the country'.<sup>2</sup>

Among the conventions held, in 1914, was one on the relation of the universities to public service. The work of the universities in research and advice continued to grow.<sup>3</sup> Such aid was particularly effective in Wisconsin,<sup>4</sup> Texas,<sup>5</sup> and Baltimore (Johns Hopkins University).<sup>6</sup> Annual conventions of health officers, educators, city engineers, etc., served as clearing houses of information where experiences could be shared and problems jointly studied. Many conferences—though having a much wider scope than city government—felt the change in civic spirit, and strove to achieve co-operation with city agencies in securing their ends. This was true especially of the social reform type; but wherever or whenever true, it indicated the emergence on a large scale of a new

<sup>1</sup> Cf. Sowers, 'Leagues of Municipalities', in *National Municipal Review*, July 1923, p. 349; Lambie, 'League of Minnesota Municipalities and the University', in *ibid.* June 1924, p. 325.

<sup>2</sup> *Program, Sixth Annual Convention, League of Va. Munic.*, p. 2.

<sup>3</sup> In many states this came to be in co-operation with the state league of municipalities (*National Municipal Review*, July 1923, p. 349 f.).

<sup>4</sup> Howe, *Wisconsin*, pp. 48 ff., where the Socialists in Milwaukee called in a corps of University experts to help in the re-organization of the city government.

<sup>5</sup> Cf. *Proceedings, Convention of Texas Municipalities*, 1913, p. 3.

<sup>6</sup> Cf. *Report, Advisory Commission on Taxation and Revenue*, Baltimore, 1908.

group of possibilities in city government centring around the mutual helpfulness of city administrations and voluntary agencies.<sup>1</sup>

The practice of appointing special state commissions to study methods of administration elsewhere found increasing favour. Many of these, particularly in educational matters, did not confine their research to American states, but sought to make available the experience of European cities as well.<sup>2</sup>

As a natural accompaniment of a release of civic energy there were published a large number of books, etc., concerned with special problems, or with city government as a whole. Periodicals, scientific treatises, popular text books, propagandist circulars were both a stimulus and an evidence of the desire for enlightenment.<sup>3</sup>

§ 20. *Effects of efficiency on functions.* In the municipal services, where the efficacy of the efficiency motive and the correctness of its methods must be finally judged, the achievements were considerable. A catalogue of them is neither interesting nor necessary, but the broader trends may be noted.

The city planning movement was in part an incorporation of the efficiency ideal. Its origin and progress being almost wholly local,<sup>4</sup> it became the expression of a city's

<sup>1</sup> Cf. Baltimore City Wide Congress, *Addresses*, 1911, for an example of local effort.

<sup>2</sup> e.g. Illinois Education Commission, 1907 (*Bien. Report Supt. of Public Instruction*, Illinois, 1908-10, p. 259). For the Chicago City Plan, the U.S. Dept. of State furnished valuable information through its consular service (Burnham and Bennett, *Plan of Chicago*, p. 7). Cf. also *Report New Jersey Commission for the Survey of Municipal Finances*, 1916; and the *Reports of the N.Y. Committee on Taxation and Retrenchment* (*Leg. Docs.*, No. 80, 1920; No. 72, 1921; No. 55, 1923). The *Annual Report of the U.S. Bureau of Education* for many years devoted a large part of its attention to educational progress abroad. Cf. in particular 1907-8, pp. 145-342.

<sup>3</sup> Cf. Bibliography, pp. 642 ff.

<sup>4</sup> Adams, 'Modern City Planning', *National Municipal Review*, June 1922, p. 176; cf. also Nolen, *City Planning*; Taylor, *Satellite Cities*.

desire to utilize its resources in a way sufficiently comprehensive and far-sighted to assure a satisfactory, homogeneous, and economical *physical plant*. Fortunately this was somewhat tempered by the aesthetic motive.

In other services also there were evidences of success. The death rate declined from 17.6 in 1900 and 15.0 in 1910 to 13.1 in 1920.<sup>1</sup> The figures for infant mortality in New York City were 162 in 1904, 125 in 1910, 71 in 1921.<sup>2</sup> The first city to use its schools for social centres was Rochester (1907). By 1916 the number of such cities had grown to 603.<sup>3</sup> Other services less capable of precise measurement, such as street cleaning and paving, traffic regulation, and public works appear to have been improved. Municipal ownership was less opposed on the ground of incompetency. All such achievements were under conditions of local administrative freedom.

#### FORCES IN MUNICIPAL EVOLUTION—

##### (IV) THE IDEA OF PROGRESS

§ 21. *Vigour of city life.* The great movements of the period affected profoundly the functional development of the cities. People were stirred too deeply and the desire for change was too genuine, not to register a clear impression on the character and extent of the municipal services. It is true that there were still battles for honest government and against exploitation, and struggles to be freed from the domination of the boss; and that in the earlier years these, rather than *efficient* government, had received the greater emphasis. Yet there was always in the background a dissatisfaction with the old unbusiness-like methods and a genuine desire for more and better service.

<sup>1</sup> U.S. Registration Area only; U.S. Census Bureau figures in *World Almanac*, 1923, p. 356.

<sup>2</sup> *Ibid.* p. 357; *ibid.*, 1919, p. 848.

<sup>3</sup> *Annual Report*, 1916, Playground and Recreation Association.

Altruism, democracy, the idea of progress, the domination of personalities, and efficiency—the important motives mentioned—all had their reaction upon the quality and scope of administration. To trace the workings of these perfectly is as impossible as it is to separate or isolate their complex results. Yet as a whole their effect might have been predicted.

Civic rivalry was greatly affected by geographical or political situation. It was usually confined to near-by or commercially competing towns of similar size. The unitary basis of city government being the state, this rivalry seldom extended beyond the state lines except in the case of the larger cities. This meant that the sectionalism that had arisen through isolation tended to perpetuate itself through rivalry.<sup>1</sup>

With this in mind, it is not surprising to find that at any one time the development or progress of functions in the nation as a whole was very uneven. Even in the period of a decade the same phenomenon was visible. Certain groups of cities apparently stood still or retrograded, while others moved forward very rapidly. The causes are not hard to find. For instance, the general backwardness of the South rested in peculiar economic or social conditions; while elsewhere, as in New England, tradition may have given a unique trend to institutions.

Thus in any generalization of trends in functional development hereafter considered, allowance must be made for very numerous exceptions. Only the broadest principles can be elaborated, as city government, retaining its variety and unevenness of services, became more complex.

§ 22. *Liberality.* Financial provision for functions became much more liberal than in England. As early

<sup>1</sup> Texas and Louisiana were neighbouring states; but in the case of the former, inter-city rivalry was strongly developed, the cities were relatively free, and hence progressed. In the case of the latter an extreme of detailed centralization was probably a factor in a relative lack of municipal progress (Cf. *Annals*, March 1905, p. 188 f.).

as 1910 the average per capita expenditure for non-revenue producing services was \$23.52 (£5±) in American cities and 58s. 4½d. (\$14.50) in British cities.<sup>1</sup> The continued national prosperity brought an increase in municipal credit and a confidence in undertaking huge projects. Of this type were the water supply schemes of Los Angeles and San Francisco, the outer park systems of many large cities, and the New York City subways. This indication of plenty was expressed in the older functions as well. Expenditures were frequently more lavish than wise, but in the more vigorous cities there was a desire for all that money might buy in health service, education, or civic beauty. This meant opening new fields of city action, as well as the extension of the old functions into new channels. These were singularly favoured by a flexible revenue system.

One of the most remarkable extensions of municipal activity took place in Detroit between 1919 and 1922.<sup>2</sup> No less than \$130,709,853.20 was expended for permanent improvements. \$77,500,000 had been passed by popular vote. Only \$35,356,957.13 of this was for the self-sustaining utilities of street railways and water works. Of the remainder, additional school facilities accounted for \$28,500,000; new libraries, for \$2,100,000; sewer system, \$32,300,000; parks, playgrounds, and boulevards, \$8,800,000; streets, \$3,700,000; additional hospital facilities, \$3,800,000; additional fire inspection, \$3,600,000; art galleries and works of art, \$1,000,000; etc., etc. Other cities which had not grown so rapidly undertook proportionately expanded programmes. For similar purposes, in February 1923, St. Louis voters approved of bond issues totalling \$87,372,500.<sup>3</sup>

<sup>1</sup> Cf. Appendix D. The higher cost of living in the United States to a certain extent nullified this.

<sup>2</sup> Cf. *Detroit's Government*, 1922, pp. 121 ff.

<sup>3</sup> *National Municipal Review*, May 1923, p. 243.



In part this more liberal provision might be considered the natural outcome of greater popular interest and greater civic pride. The trend in local taxation for schools mirrored something of this. In 1910, local taxation comprised more than 50 per cent. of the school revenues in all but ten states, or \$312,000,000 out of a total of \$433,000,000 in the United States as a whole. The increase in local taxation for schools in the ten years (1900-1910) was 91 per cent.<sup>1</sup>

By 1919 the total had reached \$1,035,000,000,<sup>2</sup> of which (approx.) 73 per cent. was local and (approx.) 13 per cent. county.<sup>3</sup> Only 14 per cent. was state. The percentage which was local appears to have been fairly constant. The local increase was 142 per cent. Further remarkable increases took place by 1923, judging from data of typical cities.

Expenditures (including outlays, but omitting debt service) increased as follows:<sup>4</sup>

	1919 20	1922/3	% increase.
Detroit - -	\$11,587,018	\$19,429,795 <sup>5</sup>	68
Cleveland - -	10,287,880	22,420,000 <sup>6</sup> (1921/2)	116
Lincoln (est.) -	702,449	1,240,000 <sup>7</sup>	77
New York City -	54,037,050	79,823,829 <sup>8</sup>	48
Utica - -	837,512	1,460,000 <sup>9</sup>	75

<sup>1</sup> *Survey of Education*, 1909-10, var.

<sup>2</sup> *Statistical Survey of Education*, 1919-20, p. 2. Only public elementary and secondary education are included.

<sup>3</sup> *Ibid.* p. 18.

<sup>4</sup> Data from *Statistics of City School Systems*, 1919-20, Table 15. The basis of computation unfortunately varies in the two years, but the general trend is unmistakable.

<sup>5</sup> *Detroit's Government*, 1922, p. 125.

<sup>6</sup> *Cleveland Year Book*, 1922, p. 147.

<sup>7</sup> Taxation only (*National Municipal Review*, Dec. 1923, p. 724).

<sup>8</sup> *World Almanac*, 1924, p. 562 (day schools only).

<sup>9</sup> Taxation only (*N.M.R.*), Dec. 1923, p. 723; *Statistics of City School Systems*, Table 14.

Of the receipts for school systems of cities over 100,000, in 1919-20, about \$47,000,000 was from the state and nation, \$23,500,000 was from the county, and the balance of about \$430,000,000 from local resources. This comprised a total of 86 per cent. of the whole, or (including county receipts) 91 per cent. from other than state subsidies.<sup>1</sup>

The municipal college,<sup>2</sup> the commercial high school, the open air school, etc., began to appear; but the greatest increase was in the provision for ordinary secondary education. The teachers in public high schools increased from 20,372 in 1900 and 41,667 in 1910 to 101,958 in 1920.<sup>3</sup> The number of pupils, which as late as 1912 numbered only 984,677,<sup>4</sup> had grown by 1919-20 to 2,186,862.<sup>5</sup> 28 per cent. of the population 14-18 years were in high schools.<sup>6</sup> The rising standard of living allowed a longer period of preparation for work.

The per capita expenditure grew with the size of the city.<sup>7</sup> Particularly was this true in the matter of capital expenditure, as mirrored in the per capita debt:

Cities.	Total (gross)	General.	Public Service.	Net Debt.
Over 500,000 -	\$159.73	\$104.53	\$55.20	\$108.41
300-500,000 -	105.56	77.01	28.55	78.89
100-300,000 -	72.68	57.72	14.96	50.23
50-100,000 -	59.43	44.92	14.51	46.60 <sup>8</sup>

<sup>1</sup> *Statistics of City School Systems*, 1919-20, p. 5. Cf. also below, p. 315.

<sup>2</sup> New York, Cincinnati, Akron, Detroit, Toledo, Philadelphia, Charleston (S.C.). Cf. for this and following, article, 'Education', in *Encycl. of American Government*; also James, *Local Government in the U.S.*, p. 396.

<sup>3</sup> *Statistical Survey*, 1919-20, p. 2.

<sup>4</sup> *American Year Book*, 1912, p. 798.

<sup>5</sup> *Statistical Survey*, 1919-20, p. 2.

<sup>6</sup> *Statistics of State School Systems*, 1919-20, U.S. Bureau of Education, *Bulletin No. 29*, 1922, p. 68.

<sup>7</sup> *Financial Statistics of Cities*, 1919, p. 85.

<sup>8</sup> *Ibid.* p. 103.

Per capita current expense (1921) was as follows:

Cities.	Total (all items).	Genl. Govt.	Schools.	Police.
Over 500,000 -	\$35.88	\$4.07	\$10.88	\$3.99
300-500,000 -	30.62	3.10	10.03	2.69
100-300,000 -	25.38	1.64	9.50	2.68
50-100,000 -	22.35	1.45	9.50	1.99
30-50,000 -	23.23	1.63	9.87	1.91

General government, police, charities, sanitation, health, recreation, and miscellaneous costs grew with the size of the city; while the per capita charges for fire protection, highways, schools, and libraries varied but little.<sup>1</sup>

In the larger cities, and in those growing more rapidly, optimism and radicalism led to experiments.<sup>2</sup> All this was joined with an unmistakable rise in the quality of administration of a nature to render the citizens willing to entrust additional functions to their officials. Clarity of responsibility was conducive to its extension.

§ 23. *Improvement in the appearance of cities.* Of a totally different nature was the desire for the *beautiful* in city development. This was closely related to the growth in city pride, and was partly occasioned by comparison of American cities with those of France, Germany, and elsewhere. Much agitation dated from the Chicago Exposition of 1892, at which the possibilities of 'civic centres' made a lasting impression which was to bear fruit a decade or more later.<sup>3</sup> The desire for the

<sup>1</sup> *Financial Statistics of Cities*, 1921, Table 9.

<sup>2</sup> Cf. list in *Detroit's Government* (1922), pp. 119-121, e.g. 1920 list of new functions included; Street Railway, Probation Extension, Central Garage, Women Police, Medical College, Maternity Hospital, Tuberculosis Camp, Summer and Evening Junior College.

<sup>3</sup> The Cleveland project dates from 1902 (cf. Orth, *Cleveland*, p. 269). The Des Moines project included an art institute, bridges, buildings, parks, library, city hall, coliseum, post office (*American Year Book*, 1912, p. 205). Cf. Burnham and Bennett, *Plan of Chicago*, p. 6, etc.

aesthetic was responsible for municipal art commissions<sup>1</sup> 'to advise as to character and arrangement of public buildings'. It shared with the efficiency motive the responsibility for the more comprehensive city planning commission.<sup>2</sup> This latter included many matters which had previously been handled in a desultory or opportunist fashion, such as zoning, traffic programmes, housing. By this means both continuity and comprehensiveness were made possible. The spread of 'zoning' in particular was remarkable. By 1923, 183 municipalities with a total population of 22,000,000 had adopted zoning ordinances. This represented a population double that zoned in 1921.<sup>3</sup>

FORCES IN MUNICIPAL EVOLUTION—  
(V) SOCIAL OBLIGATION

§ 24. *Effect of altruism on functions.* In addition to democracy, leadership, efficiency, and progress, there was lastly the humanitarian motive. It revealed certain fundamental differences between its evolution in England and in the United States. In both alike it acted as a powerful influence in extending the scope of municipal activity. It modified the old American penal system by bringing with it such devices as the juvenile court,<sup>4</sup> detention houses for children,<sup>5</sup> adult probation, the 'golden rule' police. In its struggle for a sound family life, it evolved the 'domestic relations' court. In Los

<sup>1</sup> e.g. N.Y. City Improvement Commission, about 1904 (*Annals*, March 1905, p. 175); Chicago 'Civic Beauty Commission', 1912 (*American Year Book*, 1912, p. 205).

<sup>2</sup> Cf. Hartford City Plan Commission, *Annual Reports*, 1908, etc., for one of the earliest. In 1913 Massachusetts made such a commission mandatory to cities over 10,000 (*American Year Book*, 1913, p. 216).

<sup>3</sup> Kimball, 'City Planning 1923', in *National Municipal Review*, Feb. 1924, p. 103.

<sup>4</sup> *Proceedings, Illinois Conference of Charities and Corrections*, 1900, p. 15; 1904, p. 20.

<sup>5</sup> Cf. article, 'Detention Homes', in *Encycl. of American Government*, vol. i.

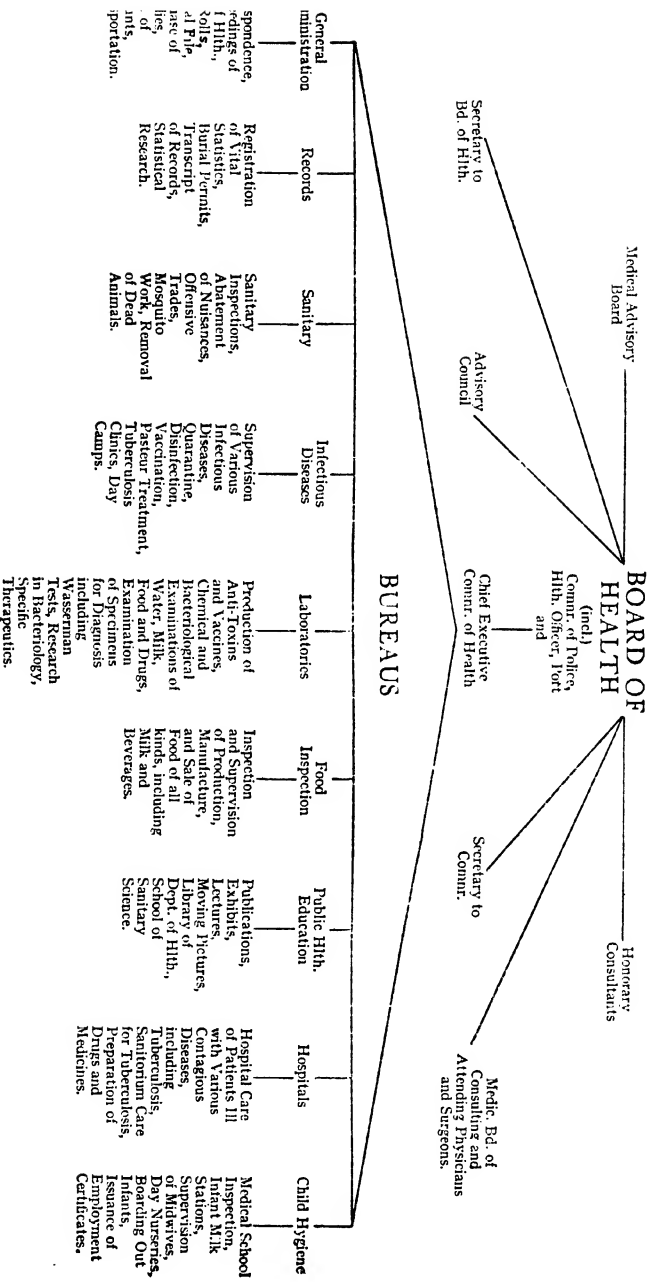
Angeles and elsewhere it brought the 'public defender' and the 'city mother'. In education it was primarily responsible for the open air school, the school savings banks. It made provision of recreation a municipal function, taking over from private organizations the playground, the concert, athletic associations, and similar devices—a tendency finally to culminate and to be unified in the 'community centre'. It enlarged park facilities, and brought wider usefulness to the public library. The 'community Christmas tree'—from the 'Tree of Lights' of Greater New York to the tree of the smallest hamlet—was a symbol of the spirit of fraternity that was humanizing city government.<sup>1</sup>

The 'community centre',<sup>2</sup> in many ways one of the greatest of city activities, may be considered as another sign of this social obligation motive. Its most widespread field of expansion was the school building. Its activities—recreational, cultural, social, and civic—were designed to incorporate as much as possible of neighbourhood life and interests. There is something inherently sound, perhaps prophetic, in the naturalness of the frequent use of a school building by the people of a neighbourhood. The tendency of these units is to become self-supporting and self-governing. The place of the city is found in co-ordination, advice, and expert aid, more than in government. Scarcely a city now erects a schoolhouse without such a use in view. The social obligation of the city is not alone to help its citizens (paternalism), but also to make it possible for them to *help themselves* (equality of opportunity). Why has England failed to popularize its civic spirit of social obligation in a similar way?

<sup>1</sup> For all the foregoing and other instances of humanitarian activity, cf. Zueblin, *American Municipal Progress*, chaps. vii, viii, ix, xi, xvi, etc. For parks, cf. also 'Park Systems', in *Annals*, March 1905.

<sup>2</sup> Cf. Ward, *The Social Center*; Zueblin, *American Municipal Progress*, ch. xiv; and various pamphlets by 'Community Service, Inc.' and the 'Playground and Recreation Association'. These have been largely followed here.

# ORGANIZATION OF DEPARTMENT OF HEALTH, NEW YORK CITY, 1915.



It was significant of the changing spirit that health work was the topic most prominent in the discussion of many of the civic organizations of the later years.<sup>1</sup> Local pride could usually be counted upon to join with social obligation in furthering the development of new curative or preventive measures.<sup>2</sup> Advances in tenement house control were recorded.<sup>3</sup> The emphasis upon health education was especially marked.<sup>4</sup> How complex municipal health administration had become may be judged from the activities of New York City as indicated by the diagram on the preceding page. While the increase (1902-1918) in the per capita cost of all city government was 53 per cent., the increase in health expenditure was 130 per cent.<sup>5</sup>

The crisis brought by the war separated housing from its old association with public health, and thrust it into the foreground as an independent problem that urgently demanded solution. The conditions are familiar. In addition to the normal increase of population, there had been a cessation of building, a migration of workers to centres of war industry. Subsequent investigation showed that a cost artificially high had been maintained through peculiarly pernicious monopoly methods on the

<sup>1</sup> Pointed out in *Proceedings, California League of Municipalities*, 1911.

<sup>2</sup> Cf. Kimball, *State and Municipal Government*, p. 183. e.g. Cleveland (1900-06) added a special children's hospital, a bacteriological laboratory, a free tuberculosis sanatorium, a farm colony, municipal inspection of school buildings, meat, and milk (Orth, *Cleveland*, p. 214).

<sup>3</sup> New York, 1901, etc. Cf. Veiller, 'Housing Problem', in *Annals*, March 1905; N. Jersey established a central Board in 1904, cf. *Annual Report Board of Tenement House Supervision*, 1904. Subsequent Reports are also valuable.

The New Haven Civic Federation's report on housing was instrumental in securing (1913) changes in laws and the appointment of a tenement house inspector (Hill, *New Haven*, p. 163).

<sup>4</sup> Cf. *National Crisis in Education*, Bowden (Edit.), pp. 155 ff.; 'Unless the public has been taught the meaning and necessity of health rules, it is impossible to get them enforced'—p. 156.

<sup>5</sup> *Financial Statistics of Cities*, 1918, p. 86 f.

part of the contractors and labour leaders. In its most aggravated form, the condition was localized in New York City;<sup>1</sup> where in the years of 1919-1920 a process of systematic evictions through court procedure forced up the rents. In April 1920 the legislature made it a defence for non-payment of rent that it was unjust.<sup>2</sup> This attempt at remedy proved insufficient, and in special session bills were passed granting localities power to exempt all new houses from taxation for a period of years and making mortgages tax exempt. The report of the preliminary committee was against any state or municipal housing projects. The remedies adopted, together with the decline in prices that followed investigations of the combines, resulted in partially bridging the crisis. In New York City no less than 13,347 houses were completed by 1921, the total exemption value being \$83,000,000.<sup>3</sup> Exemptions granted by 1923 amounted to \$244,000,000; and the estimate for 1924 was an additional \$180,000,000.<sup>4</sup> These methods deserve detailed study at a later point, for purposes of comparison with England.<sup>5</sup>

§ 25. *The board of public welfare.* Functional efforts which were the outgrowth of social obligation became so considerable that they crystallized with increasing frequency in a comprehensive 'Board of Public Welfare'. The first of these was organized in Kansas City (Missouri) in 1908. Its departments were: Parole, Research, Municipal Farm, Legal Aid, Women's Reformatory,

<sup>1</sup> Cf. *Report of Joint Legislative (New York) Committee on Housing*, 1920, for account of the crisis.

<sup>2</sup> Chap. 136, sec. 1, 1920, New York Laws.

<sup>3</sup> *Report, Commissioners of Taxes, New York City*, 1922, p. 16. Exemption is allowed up to the amount of \$1,000 for each living room, and not to exceed \$5,000 for each separate family apartment or new building.

<sup>4</sup> Gulick, 'Assessed Values in New York City', in *National Municipal Review*, Dec. 1923, p. 698.

<sup>5</sup> Cf. p. 455.



Factory Inspection, School of Social Service, Housing, Homeless and Unemployed, Recreation.<sup>1</sup> It was fortunate that this new movement appeared about the same time as commission government, for the tendency became common to make one of the Commission the 'Commissioner of Public Welfare'. It can be readily understood that such a department from its very nature contained possibilities of expansion hardly surpassed by any other single function. This attitude has secured a considerable hold on the popular imagination, and has completed the substitution of a positive for a negative concept of the city and its government—as something to be used rather than to be feared. Based as it was on home rule and an interested electorate, the altruistic motive gave promise of concentrating on the creation of equality of opportunity in its broadest sense.<sup>2</sup> For one reason or another the 'ratepayer's mind' was relatively less prominent in America than in Great Britain. Furthermore, there was little evidence of the paternalistic trend, so noticeable in the centralized humanitarianism of England.<sup>3</sup>

§ 26. *Altruism and efficiency.* There was nothing incompatible in the development of both efficiency and altruism. Each had much to contribute to the other, and was in a measure incomplete if alone. There were evidences that municipal administrators sensed this; and the efficiency motive began to leaven the performance of social obligation, as well as the older services of government. The example of the more recent trend in the

<sup>1</sup> Cf. *Report, Kansas City (Mo.) Board of Public Welfare*, 1916, p. 13. Also Cleveland (by 1913) included health, charities and corrections, recreation, employment, research, and publicity, 'to promote the educational understanding of the community in those matters which concern the public health and welfare'.

<sup>2</sup> This thesis is developed in popular style in Zueblin, *American Municipal Progress*.

<sup>3</sup> Cf. methods used by Detroit to bridge over the period of unemployment (*Detroit's Government*, 1922, p. 36 f.). For developments, in a Southern city, cf. McCombs, 'Charleston (S.C.) Public Welfare' in *National Municipal Review*, June 1924, p. 341.

charity and correctional services of the city and state illustrates the point. The contribution of efficiency to these was dual: it emphasized prevention, and gave to research its proper work. The truest humanity, the best the state can do in these matters, is seen to be not the doling out of charity, or the punishing of criminals. It is not even the rehabilitation of the pauper or the reform of the criminal. It rests rather in the modification of environment in such a way as more and more to render the dependent and delinquent an abnormality. It aims at their elimination. The new charity, the new penology, are not charity and penology at all; but the provision of wholesome recreation, sound health, hygienic housing, better industrial conditions, civic and vocational education. In this effort the decentralized city has its part. The ideal is not obtained even if all these are done *for* the people. They must be consciously done *by* the people as well. Civic self-reliance is the ultimate goal.

Finally, the increasing use of research in city and state welfare work is hopeful. It is a step worthy of notice, when a popularly governed city taxes itself for research into the causes of crime and dependency.<sup>1</sup> Many of the great cities have now entered this field. Such are the contributions made by the union of efficiency and social obligation in free cities.

#### UNSOLVED MUNICIPAL PROBLEMS

§ 27. *Exceptions to operation of the major forces.* There were many notable exceptions to the workings of these motives governing the functional development. Low tax rates were still issues;<sup>2</sup> provincialism or indifference often belied enlightenment; there were periodic losses in

<sup>1</sup> e.g. Columbus, where such research was by 'home rule' charter made compulsory (*American Year Book*, 1914, p. 212). Cf. also *supra*, footnote I, p. 293, etc.

<sup>2</sup> e.g. Cincinnati as late as 1907 spent only \$65,080 on health in contrast to \$123,308 in Cleveland. It boasted of its low school rate (1903, \$.38) in contrast to a state average of \$.96 (Goss, *Cincinnati*, p. 349). For New Haven, cf. Hill, *New Haven*, p. 74.

spontaneity in the schools of some states.<sup>1</sup> Many cities were still without plan, and often ugly. The abuses of the county jails contrasted with the evidences of humanity.<sup>2</sup> Over-staffing and out-of-date methods ruled in at least some of the departments of the majority of cities. The motives mentioned were seldom able wholly to overcome the old civic indifference, partisanship, and corruption.

However, these motives must not be adjudged too critically. The broader aspects must be sought. When cities are free from central control, those farthest advanced and most progressive are more significant and shed the most light upon the play of forces and the period's meaning. These leaders of progress are the signs of vigorous life. They act as laboratories of municipal institutions. Even the most conservative or reactionary city can scarcely lag behind for more than a decade in the adoption of new and better plans of widely known and well attested merit: there is too much underlying similarity of the electorate, and the channels of comparative information are now too well developed.

§ 28. *The changing character of problems.* This is not the whole story of the motives and their effects; for certain centres of controversy were created, partly through the emergence of these motives. Changes in philosophy and the exigencies of the industrial, economic, and political world outside the city have from period to period made now one, now another aspect of city government a centre of thought and action. The problems demanding solution differ from decade to decade, since they are the product of the varied factors of the time. It thus becomes important to have a framework capable of making the necessary adjustments. So it was with the more recent years. There was a shift of emphasis. For one

<sup>1</sup> e.g. Maryland, cf. *Report State Board of Education*, 1902, p. vi.

<sup>2</sup> e.g. Pennsylvania, 1919 (*Report of Commission to Investigate Penal Systems*, p. 19, etc.); Illinois, 1904 (*Proceedings, Illinois Conference of Charities and Corrections*, 1904, p. 17).

thing, the problem of the public utility occupied less prominence in municipal thought.<sup>1</sup> The day of huge profits had passed with the rising costs of labour and materials. Then, too, many of the firms had been wasteful in their construction. The competition of the automobile was cutting heavily into traction profits. In addition to this, the safeguards as to rates and services that had emerged from the struggles of earlier days were having a considerable effect. Besides there was some complaint that the state commissions were themselves too subservient to the corporations, and that they violated the essential principle of home rule.<sup>2</sup> Yet among the corporations themselves, there grew up a better spirit. The pace of increase of municipal ownership somewhat slackened.<sup>3</sup> The public had proved that it could act effectively if aroused. It had evolved a machinery that would enable it to work its will on offending politicians much more quickly; and had evolved devices that, through supervision and accounting, would insure at least a lessening of abuse. Those who are not too sceptical can find in the new attitude of many corporations some resemblance to the spirit of social obligation. The problem was by no means solved, and there were many intricacies of corporation finance still publicly to be

<sup>1</sup> Cf. articles on 'Public Services', in *American Year Book*, 1912-1918; also 'Public Service Commissions', in *Encycl. of American Government*. Cf. pp. 156, 259.

<sup>2</sup> Particularly strong in N.Y. City. Almost every governor found an excuse to re-organize the State Commissions. Cf. also Montana: *Synopsis of Proceedings, Montana Municipal League*, 1914, where the state rate regulation of municipally owned utilities was resented. For Wisconsin, cf. Howe, *Wisconsin*, p. 79. The Minnesota Home Rule League published pamphlets to show that Minnesota cities under home rule enjoyed lower rates than the Wisconsin cities under the state commission (article, 'Public Services', in *American Year Book*, 1914). An article, 'Home Rule in Utility Regulation', in the *National Municipal Review*, March 1923, p. 113, examines sympathetically Gov. Smith's (New York) proposal to substitute a local for the state commission.

<sup>3</sup> Cf. p. 264.

apprehended. Yet so far as the problem of the local utility was concerned, it was less acute.

§ 29. *Police difficulties.* In later years the struggle for good government centred in the police problem.<sup>1</sup> Peculiar complications, which England never had experienced, long kept this one of the most perplexing of American municipal problems. Nor did this period witness a satisfactory solution. All that could be noted was that the whole question of law enforcement was thrown into the foreground of public thought, and was discussed with all the vigour that had characterized the later stages of the monopoly problem and other forms of corruption. In general, the middle class wanted law enforcement, while the rich and the immigrant class too often appeared as essentially lawless. In one way, this was a hopeful division; for the United States had been pre-eminently a middle class government: but in the great cities, where the majorities were not Anglo-Saxon, the case was very difficult.<sup>2</sup> If public opinion once united in support of law (as it habitually united in England, but as it never has united in America), the larger part of the police problem would be solved.

By a series of exhaustive investigations in a number of cities, it was established that repression rather than segregation was the solution of the social evil.<sup>3</sup> In all states

<sup>1</sup> The standard work is Fosdick, *American Police Systems*. Note particularly Chap. I, 'Crime in America and the Police', which has been largely followed here. Cf. also p. 466.

<sup>2</sup> Also in some Southern cities—e.g. Memphis, Nashville, 1915—where the city officials, refusing to enforce the law, had to be removed by an ouster Act (*National Municipal Review*, 1917, pp. 685, etc.). Cf. Myers, *Tammany Hall*, p. 358, for reluctance of grand juries to prosecute—from fear that thereby they might be aiding police blackmail.

<sup>3</sup> The *Report of the Chicago Vice Commission* (1910) is one of the best. Cf. also San Francisco, Richmond, Baltimore, etc., in *American Year Book*, 1913, p. 223; 1915, p. 239; 1916, p. 226. For Minneapolis Morals Commission, cf. Parsons, *Minneapolis* p. 182. For Hartford, cf. *Report of Hartford Vice Commission*, 1913, p. 11. Cf. also the series of articles in the *National Municipal Review*, 1923-4, on municipal policies toward vice in typical American cities.

but Louisiana, repression had always been the law on the statute books (except St. Louis 1870-3). In practice a system of quasi-licensing through periodic fines, coupled with the toll of graft for police protection, had been added to the policy of segregation.<sup>1</sup> The advent of woman suffrage aided public opinion in obtaining effective law enforcement in this particular in many cities.

The spirit of efficiency was working. Police schools, identification systems, and better organization played their part.<sup>2</sup> The spirit of fraternity, operating through voluntary organizations which were directed toward enforcement of gambling and vice laws, was not without its wholesome effect. The 'golden rule' policy modified the dealing with criminals.<sup>3</sup> But success was far from assured, and great difficulties remained.

§ 30. *The crisis in education.* The education system was subjected to constant criticism.<sup>4</sup> In part the criticism was financial.<sup>5</sup> Mayors of cities whose school budgets were under independent control were particularly outspoken in this respect. To a limited extent, there certainly was need for a more business-like management of funds. The unpaid school board often did not have the time for close financial scrutiny, and the superintendent's ability rightly tended to be more pedagogic than executive. Nevertheless popular sentiment for the independent school board showed no sign of waning. In 1910, out of 184 cities reporting, 84 or 45.7 per cent. reported independent school boards; in 1918, the number was 124 out of 227, or 54.6 per cent.<sup>6</sup> On

<sup>1</sup> e.g. Tacoma, in Hunt, *Tacoma*, p. 201.

<sup>2</sup> Cf. *Detroit's Government*, 1922, pp. 67 ff.

<sup>3</sup> Zueblin, *American Municipal Progress*, p. 139.

<sup>4</sup> Cf. 'The National Crisis in Education' (*Bulletin No. 29*, 1920, U.S. Bureau of Education).

<sup>5</sup> Cf. *Report of Committee on Taxation and Retrenchment*, N.Y., Leg. Doc., 1920, No. 80, chap. ii.

<sup>6</sup> *Financial Statistics of Cities*, 1910, p. 29; 1918, p. 48. Such an independently elected board was specifically ordered under the Home

the whole, the preference seemed to be to risk extravagance, rather than to make the schools a part of the ordinary political system—subordinate and possibly partisan. The criticism was not that it was too expensive, or that there were too many 'frills'; but that it was too narrow, that the teachers were underpaid, that the expenditure should not cease to be lavish, but should strive to be wise. The wider use of the schools for community centres seemed to have stimulated local support of the school budget.<sup>1</sup>

Only in the broadest of terms is it proposed to deal with the criticisms of the curriculum. They affect the problem of city government only as they affect finance, framework, or the popular interest. Many changes were brought about by strengthening the utilitarian motive, and expressed themselves in an increase of industrial and commercial education.<sup>2</sup> Others represented an enlarged meaning of education, and took the form of introduction of physical training, health work, recreation, school gardens. All these necessitated an increase in expenditure on account of the need for additional and specialized equipment and instruction. This occasionally involved some increase of state or Federal aid. New York State (1920) voted \$20,550,000 for increasing salaries, and required a fixed scale from the localities.<sup>3</sup> This scale was exceeded within a year by 75 per cent. of the cities.<sup>4</sup> The subsidy for vocational education in the case of cities in 1919-20 amounted to only \$643,515 out of a total of

Rule Amendment of Ohio, 1912. The independent board was recommended in the 1920 'State School Survey of Virginia' (*Virginia Public Schools*, p. 7).

<sup>1</sup> Quoting the 'Annual Report of the Playground and Recreation Association' in the *American Year Book*, 1915.

<sup>2</sup> Cf. article, 'Education', in *Encycl. of American Government*.

<sup>3</sup> *Report*, U.S. Commission of Education, 1920.

<sup>4</sup> *Report*, N.Y. Committee on Taxation and Retrenchment, Leg. Doc. No. 80, 1920.

about \$3,000,000.<sup>1</sup> The cities were still true to their traditional self-reliance, and little or no compulsory legislation or financial pressure was needed to induce the broadening of the curriculum. Surveying the period as a whole the trend was directly opposite to that in Great Britain, where the percentage of central aid increased more rapidly than local taxation.

Per cent. of school revenue from:<sup>2</sup>

	1890	1900	1910	1920
1. Permanent funds and lands	5.4	4.2	3.2	2.7
2. State taxes - - -	18.4	17.2	14.9	13.8
3. Local taxes - - -	67.9	68.0	72.1	78.2
4. All other sources - -	8.3	10.6	9.8	5.3

The gain in 'quantity' of education continued.<sup>3</sup> By

<sup>1</sup> 'Federal Aid to Public Schools' (*Bulletin No. 47, 1922, U.S. Bureau of Education*), p. 44; 'Statistics of City School Systems' (*Bulletin No. 17, 1922*), p. 5. Further instances of grants-in-aid occur in the case of secondary schools: W. Virginia, 1911 (Callahan, *History of West Virginia*, p. 561); California, 1902, by Constitutional Amendment. In the Southern states, on the other hand, where the tradition had been for large state subsidies, a definite movement took place for heavier local taxation. Georgia (1903) made local taxation possible on a two-thirds vote (*Acts [Georgia], 1903*, p. 23). Not until 1919 was there much local taxation (*Report, Georgia Board of Education, 1919*, p. 10). In N. Carolina the value of school property increased from \$1,097,000 in 1900 to about \$25,000,000 in 1923. In the years 1913-1923 the annual expenditure increased from \$6,000,000 to \$20,000,000. Of this latter figure only \$1,928,000 was state aid (*National Municipal Review*, Sept. 1923, p. 543). Cf. art., 'School Finances', in *Encycl. of American Government*. Alabama, 1915, instituted a flat bonus dependent on the rate of local taxation. By 1918, fifty-seven out of sixty-seven counties were levying local taxes at an high enough rate to earn the maximum grant (*Report, Alabama Supt. of Education, 1920*, p. 52). Maryland and Minnesota made considerable use of the grant to stimulate and reward efficiency. (Cf. *Report, Maryland Board of Education, 1920*, pp. 71 ff.)

<sup>2</sup> 'Statistics of State School System' (*Bulletin No. 29, 1922, U.S. Bureau of Education*), p. 6.

<sup>3</sup> Negro education continued disgraceful in large sections of the South. Louisiana was one of the worst offenders. In 1917, 76 per cent. of the white children of school age were attending, at an



1922 twenty-one states had adopted compulsory continuation-school programmes.<sup>1</sup> The educational system, its administration and curriculum, were in the 'melting pot'. Changes were rapid and often radical. The one thing that was constant was the strong local interest and support of increasingly large educational programmes.<sup>2</sup> In New York State the total expense for education (all units) in 1920 was about \$100,000,000. By 1922-3 it was estimated at \$194,000,000.<sup>3</sup> The educational advance was the noblest feature of American city development.<sup>4</sup>

The war had hampered this somewhat,<sup>5</sup> but in one way proved beneficial. It revealed unexpected illiteracy, groups unassimilated, and the problem of variations in ability.<sup>6</sup> The interest and concern thus aroused were stimulating in their effect upon educational programmes and expenditure. Education had long been an expression of the community's social obligation. It now gave promise of becoming, in the adequacy of its programme, a reflection of the national efficiency.<sup>7</sup>

### § 31. *Administrative centralization.* State government

average annual cost of \$27.07 per pupil; while only \$2.58 was spent per pupil for the 48 per cent. of negro children enrolled. In St. Landry Parish, 1,862 only were attending out of 9,125. The state per capita grant was being diverted to the whites (*Annual Report, State Supt., Louisiana, 1917*, pp. 7, 19, 26).

<sup>1</sup> 'Federal Aid to Public Schools' (*Bulletin No. 47, 1922, U.S. Bureau of Education*), p. 45.

<sup>2</sup> Cf. p. 300.

<sup>3</sup> *Report, Committee on Taxation and Retrenchment, N.Y. Leg. Doc. No. 55, 1923*, pp. 9, 307, 310.

<sup>4</sup> Cf. Dallas, which in 1914 voted by a huge majority to double the local school tax (*Annual Report, Dallas, 1913-14*, p. 8).

<sup>5</sup> e.g. N. Jersey. Cf. *School Report (N. Jersey)*, 1918, p. 11. For the school war activities, cf. *ibid.* p. 17.

<sup>6</sup> Cf. Yerkes and Yoakum, *Mental Tests in the American Army*, var. The U.S. Census, 1920, gives the percentage of illiterates as 6.0.

<sup>7</sup> Cf. 'National Crisis in Education' (*Bulletin No. 29, 1920, U.S. Bureau of Education*), p. 16, for the steady advance, even before the phenomenal post-war progress.

was entering a similar phase, from similar causes.<sup>1</sup> The expansion of its functions had definitely commenced. In 1901 more than forty new state offices and boards were authorized.<sup>2</sup> This meant that in some ways the growing desire for efficiency would show itself in compulsory centralization, as the desire for enlightenment had brought advisory centralization. This was greatest in health,<sup>3</sup>

<sup>1</sup> Cf. Kimball, *State and Municipal Government*, var.

<sup>2</sup> Bowman, *Administration of Iowa*, Introduction.

<sup>3</sup> Extension of powers in New York took place in 1901, 1903, etc. The power granted (1903) to the State Commissioner to appoint local health officers on local nomination did not apply to cities. (Cf. Peabody, *Public Health in N.Y. and Mass.*, for the story of the earlier years of the century.) In 1907 in Mass. the entire state was divided into fifteen health districts, with a state inspector over each. Duties were still far from what is ordinarily known as 'centralization'. They were: to gather information concerning the sanitary conditions; to disseminate knowledge of preventive methods, and to take steps for eradicating disease after consulting with local and state authorities; to keep informed as to health of minors in factories and call attention to the same, and to enforce factory laws, as had formerly been done by the inspection department of the district police. Peabody, p. 59. (Cf. also *Annual Report Mass. State Board of Health*, 1920, p. 27, for description of powers, etc.)

For the N. Jersey Board of Tenement House Supervision, cf. *Reports*, 1904, etc. Drastic powers of abatement had been placed in the hands of the Board. In Ohio (1902) the State Board must approve local rules and regulations (Orth, *Centralization in Ohio*, p. 136). Oklahoma (1907) seems to have gone the farthest, by extending to its Board power 'to make and enforce any and all needful rules and regulations for the prevention and cure, and to prevent the spread of any contagious, infectious, or malarial diseases among persons'. Specific grants of supervision over local boards follow. (Cf. *Digest of Laws of Oklahoma State Board of Health*, 1910, pp. 2 ff.) More typical was the power of the Penn. Commissioner (1905) to 'revoke or modify any order, regulation, by-law, or ordinance of a local board of health concerning a matter which in his judgment affects the public health beyond the territory over which such local board has jurisdiction' (*Penn. Stat.* 1905, ch. 218). South Carolina (*St.* 1901, ch. 420) gave the State Board of Health power to remove members of local boards who refused to obey orders. In Minn. the State Board might 'adopt, alter, and enforce reasonable regulations for the preservation of public health applicable to the whole or any portion of the state'. Such regulations have the force of law, if approved by the Attorney-General—the only exception being if they conflict with ordinances, etc., of cities of the first class. If local officials are inefficient, the State Board may temporarily replace them with one of their own. In the great majority of states there was little or no central control over cities.

finance,<sup>1</sup> and education<sup>2</sup>—though instances occurred of centralization in police<sup>3</sup> and fire protection<sup>4</sup> as well.

As in England, the effect of the war was a considerable increase in Federal control which affected state control of localities as well by a kind of reflected influence. Whether the recent reaction against autocracy in the Federal government will also be felt locally can not yet be seen. Part at least of the growth in state centralization may be discounted as—if not abnormal—what would have been under ordinary circumstances premature.

There was a gain in the number of state commissions of the 'strong' type.<sup>5</sup> It is possible that this may not have represented so much an encroachment upon local prerogatives as a supplement to them, if the growth of the local functions in scope and variety is taken into consideration. Furthermore, much of the supervision,

<sup>1</sup> Cf. Lutz, *The State Tax Commission*, for an exhaustive study of its development. Financial control other than over the process of assessment, as late as 1917, existed only in eight states, and even there it was 'purely nominal' (Newcomber, *Separation of State and Local Revenues*, var.). Ohio (1901) was the first state to prescribe uniform municipal accounting. Since then the practice has grown, but it is difficult unless powers of compulsion are vested in some state board (Orth, *Centralization in Ohio*, pp. 102 ff.; *Annals*, 1913, 'County Government', pp. 203 f., 208; *Connecticut Comptroller Report* showing indebtedness, etc. . . . of towns, etc., 1916, p. 15). The 1909 charter of Boston continued the unusual centralization characteristic of that city. The Finance Commission appointed by the Governor kept its auditing powers (Stroholm, *Boston Social Survey*, p. 43).

<sup>2</sup> e.g. Georgia, 1916 (Knight, *Georgia and Georgians*, p. 112). Maryland, 1916 (*American Year Book*, 1916, p. 777; *Report, Maryland Board of Education*, 1920, pp. 139 ff.); Wyoming, 1917 (Bartlett, *Wyoming*, p. 442). Cf. also Kimball, *State and Municipal Government*, p. 73; Mass., *General Acts*, 1919, chap. 363.

<sup>3</sup> Cf. p. 319.

<sup>4</sup> Ohio, 1900, created the office of State Fire Marshal. Local reports were required immediately. By acting through the local authorities many fire hazards were remedied. It was claimed that this was particularly beneficial to the smaller towns and cities (Orth, *Centralization in Ohio*, p. 159 f.). Maryland's Fire Marshal investigated if the locality requested.

<sup>5</sup> Cf. footnote 3, p. 317, etc.

though ostensibly for an entire state, was obviously still designed for rural districts alone.<sup>1</sup> Thus gains in the powers of commissions concerned with 'menaces' to the public welfare—inadequate health work, education, etc.—meant but little to cities. The cities had grown accustomed to depending upon their own efforts, and their local pride kept their standard high.<sup>2</sup> There was still no disposition for the state to fix any maximum to local effort, as England in effect had done.<sup>3</sup>

In the matter of police, where local vetoes might seem to endanger the law, the actual restoration of power to the cities was the more remarkable.<sup>4</sup> Notice, however, must be taken of the state constabulary, that occasionally supplemented local agencies—as revealing a problem yet unsolved.<sup>5</sup>

State relief for local maladministration had wellnigh disappeared as an argument for centralization. A few states maintained a central audit. Others, dependent

<sup>1</sup> e.g. Butte, where (in 1915) the Montana State Education authorities exercised their optional power of remission of much centralized direction concerning course of study and state examination (Strayer, *Some Problems in City School Administration*, p. 14). Cf. pp. 267 ff.; 329, footnote 1, for other instances.

<sup>2</sup> In 1915 New York was forced to repeal its housing law for second class cities on account of the strength of the 'Home Rule' sentiment (*American Year Book*, 1915, p. 228 f.). In Florida, the tendency of cities to shift health functions on the state was called 'unique in the United States' by Fox, *Public Health Administration in Florida*, pp. 18, 30. Cf. also the unique demonstration of municipal government given by the Federal authorities during the war, when they took over much of the administration in a few cities (*American Year Book*, 1918, p. 254 f.).

<sup>3</sup> Cf. p. 406.

<sup>4</sup> e.g. Indiana, 1910 (*American Year Book*, 1910, p. 239); St. Louis 1913, though governor retained power of removal (*ibid.* 1913, p. 205) Omaha, 1909 (Sheldon and Hannon, *Nebraska Municipalities*, p. 27) Providence, 1906 (Kirk, *A Modern City*, p. 165).

<sup>5</sup> e.g. Connecticut, 1903, to enforce gambling and license laws. In one year it unearthed eighty-three cases in Bridgeport alone (*Report, Conn. State Police*, 1904). The highest development was reached in Penn., 1905 (powers broadened to include fire prevention, etc., in 1919) (cf. Mayo, *Justice to All*—the history of the Penn. police). New Jersey had had a State police, 1891-4 (*Annals*, March 1905, p. 99).

upon the property tax for state revenue, supervised local assessing; but in general confidence was now greater in city government than in state.<sup>1</sup>

Aside from anomalies and experiments,<sup>2</sup> gains in centralization *at the expense* of the city were chiefly in channels where standardization of expert quality is needed, of a nature which the ordinary city could not be expected to provide. This is well accepted in principle in the prescription of courses of study, minimum qualifications for teachers, care of the defective and delinquent, etc. On the other hand, it has been pointed out that there was much criticism of granting power to state commissions in the regulation of rates and service of local public utilities.<sup>3</sup>

In contrast with England, it was in its advisory capacity that the state commission still rendered its greatest service—a service made possible by the psychology of the American city.<sup>4</sup> In number and scope these commissions

<sup>1</sup> Cf. footnote 1, p. 318.

<sup>2</sup> Ohio, N.Y., Mich. gave the state governor power to remove certain local officials under certain circumstances. At least in N.Y. and Mich. it has been a declining practice. Cf. article, 'Removal', in *Encycl. of American Government*, vol. iii, p. 157. In Ohio, on the other hand, Gov. Donahey (1923) endeavoured to make full use of the provision (*National Municipal Review*, June 1924, pp. 350 ff., article, by Edwards, 'Governor Donahey and the Ohio Mayors').

<sup>3</sup> Cf. p. 311.

<sup>4</sup> For Boards of Health, cf. article, 'Health', in *Encycl. of American Government*, vol. ii, p. 119; Kimball, *State and Municipal Governments*, pp. 183 ff., where this development of the state board is summarized: 'The function of information and research originally involved little more than the collection of vital statistics, but it has been rapidly expanded. Special research laboratories are established in some states for the purpose of determining the cause and prevention of certain diseases. Laboratories are maintained for the manufacture of vaccines and antitoxins and for bacteriological diagnosis for physicians. In many states the board of health is charged with the disseminating of information, since it has been found that health measures are of little avail without public co-operation. Bulletins are issued, lectures are given, and even moving pictures are utilized to bring home to the population the necessity for personal attention to health for the sake of the community. This function is rapidly increasing.' In 1909 the N. Jersey Board

kept pace with the expanding local functions including city planning and recreation.<sup>1</sup> The obvious superiority of the state in matters of advice and research continued the harmonious co-operation between the advisory commission and the local authority. The work was quietly done, and the state authorities usually showed singular tact in the credit they gave to local officials. Their work was of greatest aid to the middle-sized city, where problems were complex and where considerations of expense prohibited the development of the elaborate systems of local research that marked cities like New York City and Chicago.

§ 32. *The Federal government.* Previous to this last decade, the relations of the Federal government to the cities were largely confined to the problems of harbour control.<sup>2</sup> Instances of aid in times of epidemics or disasters occurred, but these and the military occupation of the Southern cities following the Civil War were abnormal. All the more interest then attaches to the Smith-Hughes Act of 1916-17, which provided Federal aid for vocational education.<sup>3</sup> This was followed by the Chamberlain-Kahn Act, granting aid in fighting venereal

started annual conferences of the state and local boards. For California, cf. *Proceedings, League of California Municipalities*, 1911. For State Municipal Reference Bureaus, cf. *supra*, p. 293, footnote 1. The reports of various state boards furnish a mine of information concerning the advice rendered municipalities. Cf. Bibliography, pp. 660 ff., for a representative selection of such documents. The advisory function of state boards has seldom been accorded adequate attention in treatises on municipal government.

<sup>1</sup> e.g. California Recreation Commission, 1915 (*American Year Book*, 1915, p. 397); cf. *National Municipal Review*, June 1922, p. 175 f., for Canadian provincial town planning commissions. In Pennsylvania the State Bureau of Municipalities performs this function (*ibid.* p. 76).

<sup>2</sup> Cf. p. 97, footnote 4; p. 91.

<sup>3</sup> Conformity to certain specified standards was required. Furthermore the state must appropriate an amount not less than the Federal aid. Cf. 'Federal Aid to Public Schools', *Bulletin No. 47*, 1922, *Bureau of Education*, pp. 43 ff. The total annual aid reached a maximum of \$7,367,000 in 1925.

disease.<sup>1</sup> The Sheppard-Towner Bill, which created a Federal department of education and carried an appropriation of \$100,000,000, was shelved for the time being. The question naturally arises whether through the grant-in-aid the Federal government, influenced by considerations of national welfare, is to enter fields hitherto left to the states and cities. This consideration has inspired the action thus far, but the future is uncertain. It is a question of the utmost importance, and most significant light is shed by English experience upon the ultimate consequences of such a policy.<sup>2</sup> Initial success has been claimed for both efforts of the Federal government.<sup>3</sup>

But municipal self-government was never stronger than in these post-war years. Though some adminis-

<sup>1</sup> Required certain regulations to be put in force by the state boards accepting, in order to be eligible for the grant. Cf. *Report, N. Jersey Board of Health*, 1919; *American Year Book*, 1919, p. 436.

<sup>2</sup> Cf. pp. 372, 590 f.

<sup>3</sup> By the end of 1918 thirty-seven states required the reporting of venereal disease (*American Year Book*, 1918, p. 436). The news letter of the National Society for Vocational Education, June 1922, summarized the results of the Smith-Hughes Act as follows: (Quoted in *Federal Aid to Public Schools*, p. 45)

'1. Before Jan. 1, 1918, every state in the Union had accepted the provisions of the Federal Vocational Education Act.

'2. During the same period every state in the Union submitted plans for accepting the provisions of the Federal Act and the rulings of the Federal Board for Vocational Education.

'3. Every state in the Union created a definite state board for the administration of vocational education.

'4. In 1916, only two states in the Union, Wis. and Penn., had compulsory part-time or continuation school laws. As a result of the Smith-Hughes Act, twenty-one states now have compulsory part-time education laws.

'5. The total of all expenditures for vocational education in schools subsidized from Federal funds has increased from \$2,638,639.52 in 1918 to \$10,649,852.11 in 1920-21. The far-reaching influence of the Federal Vocational Education Act is indicated further in the very large increase in appropriations for vocational education work by communities, which increased from \$1,201,542.38 in 1918 to \$5,182,818.22 in 1921.

'6. The enrolment in Federally aided vocational schools increased from 164,186 in 1917 to 323,028 in 1921.

'7. The number enrolled in Federally subsidized teacher training courses increased from 6,589 in 1918 to 13,358 in 1921.'

trative centralization was inevitable, it was outweighed by the growth of legislative home rule. The multiplication of functions on the part of cities, indicated that they had little need to be stimulated to the exercise of their powers.<sup>1</sup> Widespread progress was registered in the legislative relations of states and cities. The town-meeting heritage of home rule and the legislative conception of state control, had battled for long; but the tide had long since definitely turned toward the former.<sup>2</sup>

§ 33. *Transition in finance.* There remains but to treat briefly of finance, where the transitional aspect of the period was equally marked. Financial affairs continued one of the principal issues of city government, often the factor responsible for charter changes or similar efforts at better administration. The ideal of the preceding decade of the 'low tax rate' had, with the opening of the twentieth century, already shown signs of yielding before the ideal of 'honesty in finance'. This in its turn was proving only a transitional emphasis. By 1910 there was strong evidence that public opinion was concentrating, not so much on the size of the tax rate nor yet on the honesty of the administration of public funds, but rather upon securing the money's worth.<sup>3</sup>

<sup>1</sup> On April 10, 1917, the Council of the National Municipal League passed the following resolution:

'Whereas, municipal progress is reaching the point where it is increasingly embarrassed by the relative backwardness of state and county government;

'Resolved, that the League shall hereafter devote such time and attention as may be practicable to the problems of state and county government.'

<sup>2</sup> The outstanding evidence is the growth of home rule in charter making. Cf. p. 266 f.

<sup>3</sup> Cf. the changing nature of the Annual Meetings of the National Municipal League.

For example, the 1923 session did not contain a single item of the old 'reform' type.

Practically every session was devoted to efficiency. The topics were as follows:

1. Can Tests of Good Government be Developed?
2. The Next Step in Budget Making.

[Footnote continued on next page.]



Penuriousness and the desire to expand civic functions—both powerful motives—fought out their battle in 1900-10, and out of the struggle came the last great phase of American municipal government—efficiency—which meant in financial terms, 'value received'. Only in such a light is the finance of the period under consideration correctly interpreted. Between city and city, or even in diverse elements in the same city, the same illogical mixture of the old and the new was evident. There was present both a lack of co-ordination—the heritage of past days—and new, though imperfect, devices to remedy it.

The same clash of the old order and the new brought a straining at the tax limits—not daring to repeal them, but seeking subterfuges to evade them and make possible the new functions.<sup>1</sup>

3. The Fundamentals of Municipal Accounting.
4. A Generation's Progress in Municipal Government.
5. The Cleveland P.R. Election.
6. The Problem of Modern Street Pavements.
7. Consolidated Government for Metropolitan Areas.

The session was held at the same time as that of the Governmental Research Conference and the City Managers Association. Joint sessions with one or the other were as follows :

1. A Central Research Agency.
2. Municipal Transportation.
3. Problems of Public Works Administration.

(*Nat. Munic. Review*, Nov. 1923.)

<sup>1</sup> Cf. investigation by N.Y. Committee on Taxation and Retrenchment of effects of tax limitations (*Leg. Doc. No. 80*, 1920, chap. viii). Its conclusions are summarized on p. 106: '(1) Tax limits do not limit. Cities with tax limits spend as much and raise as much by taxation as cities without tax limits. The tax limit may serve to curtail expenditure for one or two years, but as soon as the restraint is felt, an amendment is secured which then encourages expansion, since the tendency is to levy the full amount permitted whether it is necessary or not. The experience of cities in this state and all other states points uniformly to this conclusion. Ohio is the one exception, and there other and more serious abuses have resulted. (2) Tax limitations encourage unsound bonding. . . . (3) Tax limitations should never apply to debt service. . . . Such limits . . . injure the city's credit. . . . (4) There is no way in a democracy of blocking a genuine popular demand for increased governmental service through an arbitrary limitation upon the tax levy.' For the

§ 34. *Revenue.* The property tax remained the principal source of revenue. A table of the per capita receipts of 146 cities for the three years, 1903, 1911, 1918 shows the trend:

	1903	Per cent.	1911	Per cent.	1918	Per cent.
General property tax	\$12.98	61.4	\$17.37	61.9	\$21.17	64.6
Tax on liquor traffic	1.32	6.3	1.46	5.2	1.10	3.4
Other license taxes -	.28	1.3	.42	1.5	.51	1.6
Other taxes - -	.46	2.2	.56	2.0	.97	3.0
Special assessments	1.60	7.6	2.35	8.4	2.09	6.4
Subventions, gifts, pension assess- ments - - -	.91	4.3	1.30	4.6	1.33	4.1
Earnings of public services - -	2.42	11.5	2.98	10.6	3.35	10.2
Other revenues -	1.16	5.5	1.63	5.8	2.24	6.9
Total - -	21.14	100.0	28.07	100.0	32.76	100.0

In 1918 the only cities above 100,000 that realized less than 50 per cent. of revenues from property and other taxes were: Spokane, 47.1 per cent. (accounted for by a high percentage of receipts from special assessment 21.4 per cent.), and Tacoma, 36.6 per cent. (36.6 per cent. being earnings of public service corporations). The property tax made up 50 per cent. + of every city above 300,000 (except Washington, D.C., which received 40.4 per cent. subventions).<sup>1</sup>

Of the assessed valuation upon which this was levied (1908), but \$3,000,000,000 out of \$22,000,000,000 was personal (the remainder being real)—though it is probable that the two were of nearly equal amount. It famous 'Smith 1 per cent. Law' of Ohio, cf. *Annals*, 1913, 'County Government', pp. 192 ff.; *American Year Book*, 1918, p. 253. For Mass., cf. Hennessey, *Twenty-five Years of Massachusetts Politics*, p. 13 f.

<sup>1</sup> *Financial Statistics of Cities*, 1918, pp. 53, 54, 147. For an intensive study of the smaller cities in a particular state, cf. Upson, *Sources of Municipal Revenue in Illinois*.

had become so difficult to assess personal property that in many cases the attempt was abandoned altogether. Where successful it was usually through the device of taxing it at a lower rate.<sup>1</sup>

Floating debts still exhibited the weakness of poor estimating and accounting that had been one of the defects of the old order.<sup>2</sup>

The licence tax of the saloon, a substantial source of revenue, became a factor in local option campaigns. This ceased altogether with the advent of prohibition.

Municipal ownership, as in England, scarcely affected the budget for general purposes, since incidental profits were usually the signal for reduction in the prices charged for service.<sup>3</sup>

§ 35. *Expenditure.* Honesty in expenditure was more nearly attained than at any time since the simple days of the early Republic. The principle of an independent audit was well established and was scarcely threatened by commission government.<sup>4</sup> Many further details, such as those governing publicity in contracts, etc., are interesting chiefly to the specialist, but they all indicated the refinements which were being developed to secure honest finance.

In budgetary procedure there were two outstanding tendencies—neither of them new. The aim sought was

<sup>1</sup> For Tennessee, cf. *Report, Tennessee State Tax Commission, 1915*. For Ohio, cf. Evans, *Taxation in Ohio*, p. 97, etc. In 1904 Ohio gave up the Tax Inquisitor Law (cf. *supra*, footnote 1, p. 84; Bogart, *Financial History of Ohio*, p. 241, etc.). In Baltimore, assessment of personal property at a lower rate was followed within eleven years by an increase in assessment from \$61,000,000 to \$151,000,000 and a growth in the revenue of six times (*Report, Tennessee State Tax Commission, 1915*, p. 13).

<sup>2</sup> e.g. In Conn. cities, 1912-16, one-third of debt increase was for current expenses (*Report of Indebtedness, Conn. Cities, 1916*, p. 13). N.Y. City found uncollected levies a grave difficulty by 1907 (Myers, *Tammany Hall*, p. 335).

<sup>3</sup> *Financial Statistics of Cities, 1918*, pp. 124 ff.

<sup>4</sup> Cf. article, Watson, 'The Controller', in *National Municipal Review*, Jan. 1924, p. 32.

usually to 'pare down' the budget, and thus there were not only agencies to frame, but agencies to review as well.<sup>1</sup> Secondly, the closer association with the executive in the mayor-council type and the actual union of legislative and executive in commission government, marked the progressive weakening of separation of powers in this most critical of all powers—finance. There was thus an approach to the political theory of the English municipality—but without certain weaknesses in control, which English cities had begun to exhibit.<sup>2</sup>

The problem of finance, while always present, is rhythmic or fluctuating in its intensity. Relatively it was not usually pressing till the latter part of the period, though the demand of the people for increased services had been steady. Locally the problem had often been complicated. The growth in expenditure for education represented a major cause for the universal crisis that occurred about 1919-1920.<sup>3</sup> In addition there arose after the war a need for public works, new school buildings, etc.—the arrears of several years' neglect consequent upon the national emergency. This brought great increase in the expense for debt services, aggravated by the fact that it occurred at a time when all costs were high.<sup>4</sup> Poor systems of taxation and assessment,

<sup>1</sup> e.g. Detroit kept its Board of Estimate for many years. This was independently elected and had no patronage (*Compendium of History of Detroit*, p. 140 f.).

<sup>2</sup> Among the other tendencies was the search for devices to 'enforce' the budget, subsequent to its adoption. The provisions of the 1898 Baltimore charter were successful, which required that no money be paid out on an appropriation till the money was actually in the treasury; and that no appropriation may be diverted for another purpose (Reynolds, 'Baltimore under its New Charter', in *Annals*, vol. xxvii, 1906). For Detroit, where no expenditure in excess of estimate or no transfers were allowed, cf. *Compendium of History of Detroit*, p. 140 f.

<sup>3</sup> Cf. *supra*, pp. 300, 315 f.

<sup>4</sup> e.g. The debt of N.Y. State governmental units increased from \$1,320,000,000 in 1919 to \$1,560,000,000 in 1920 (*Report N.Y. Committee on Taxation and Retrenchment, Legislative Doc. No. 72, 1922*, p. 29).

constitutional restriction upon the sources of income, the withdrawal of the liquor revenues, complicated the problem.<sup>1</sup> The near panic and deflation of 1920-1921 re-emphasized the need for radical revision and retrenchment in expenditure, and the American states and cities experienced a wave of reform, largely financial, that was similar in its origins to those of the middle '70's and '90's.<sup>2</sup>

§ 36. *Methods of retrenchment.* The incidence of this demand for retrenchment is interesting. Unlike England, there was seldom any movement for curtailed services. What was sought was rather a re-alignment of expenditure to secure better value. This was the result of the insistent cry for efficiency, for in the popular mind there was a tradition that city government was incompetent.

There were already apparent certain well-defined means of remedy. The old devices of the statutory or constitutional tax limit failed rapidly.<sup>3</sup> The conclusions of the Davenport Committee of the New York Legislature (1920) on this subject were noteworthy. After exhaustive study its verdict was that: 'There is no way in a democracy of blocking a genuine popular demand for increased governmental service through an arbitrary limitation on the tax levy. The only effective method of securing reduction of tax levies lies along the line of centering full responsibility upon a *single elected official* through (a) a comprehensive budget, (b) a sound bonding act, (c) a wide distribution of the direct tax burden.'<sup>4</sup>

The tax limits served a useful purpose in the days when the framework of government made the officials inherently irresponsible; but with the advent of the autocratic mayor, the commission, and the city manager—in

<sup>1</sup> Further causes mentioned by the N.Y. Committee include extension into new fields of activity, 'enthusiasm and desire of departments to expand', inappropriate organization (ibid. No. 80, 1920, p. 15 f.).

<sup>2</sup> e.g. Cleveland, cf. *Condensed Annual Report*, 1922.

<sup>3</sup> Cf. p. 69, footnote 2. <sup>4</sup> *Legislative Doc. No. 80*, 1920, p. 106.

a word, with the coming of *responsible government* through the prominence of the executive and the short ballot, the limits became devices of unsound finance and irresponsibility—not only unnecessary, but positively harmful.

It is probable that the application of business principles more than anything else aided in weathering the crisis. The American cities seemed to have developed a capacity for adaptability greater than that of the British cities. This stood them in good stead in the great modern development of functions.

In contrast to England, resort to state aid was surprisingly little used, even after the loss of the liquor revenues. In 1918 subventions amounted to \$41,277,908. 87 per cent. of this was for education. \$7,032,403 was for the city of Washington. In 1921 receipts from central sources totalled only \$2.76 per capita out of a total of \$44.32 per capita revenue receipts.<sup>1</sup> Local self-reliance and home rule had been so much a part of the national character, and the revenue system had proved so flexible, that by far the greater part of the additional burdens was undertaken by the municipalities themselves. It seems better so in the interests of responsible government. A study of central-local relations will reveal how greatly this vigorous municipal life was the outcome of the steadfast maintenance of the tradition of decentralization. It was rarely necessary for a state to offer grants to a city to induce it to perform a service.

§ 37. *Debt control.* The system of debt control was exhibiting considerable weakness. Debts of 146 principal cities increased from \$933,000,000 in 1903 to

<sup>1</sup> Data computed from *Financial Statistics of Cities*, 1918, p. 64; 1921, Tables 3, 4, 6. Aid to Washington—which was not self-governing—was increased from 40 per cent. to 60 per cent. of the expense.

Cf. also *supra*, p. 325.

In N.Y. State minimums were indeed fixed in certain branches of administration, notably education. These meant but little for the cities. Cf. *Report N.Y. Committee on Taxation and Retrenchment*, *Legislative Doc. No. 80*, 1920, pp. 109 ff.

\$2,541,000,000 in 1919 (per capita 1903—\$44; 1919—\$81).<sup>1</sup> Ohio cities, and some others, were forced by tax limits to unsound bonding.<sup>2</sup> One of the most substantial achievements was the trend toward the serial bond, in preference to a sinking fund.<sup>3</sup> Efforts at bond control by the state of New Jersey set the standard for other states. 'Prior to the passage of the New Jersey Bond Law in 1916 and the Uniform Sinking Fund Law in 1917, bonds were being issued in many instances without regard to making proper provision for payment at maturity, and the Bond Act corrected this situation in so far as subsequent issues went. . . . The Sinking Fund Act . . . has been responsible for the decreasing of existing deficits in sinking funds . . . to the extent of over \$2,000,000 in the period from 1916 to 1921. . . .

'Regarding the issuance of indebtedness, the New Jersey Bonding Law provides that no indebtedness shall be incurred if the net debt exceeds 7 per cent. of the average assessed valuation of the preceding three years of real property including improvements, subject of course to certain allowable deductions as set forth in the law. The effect of this limitation is to keep all municipalities within the 7 per cent. limit, as they have no legal right to issue any indebtedness if their limit exceeds this figure, coupled with the fact that should they arbitrarily evade the law and issue indebtedness in excess of this figure they would have difficulty in finding purchasers for their indebtedness.

'The principal effect is that any indebtedness of a permanent character incurred must be backed by some asset and the indebtedness must be substantially limited to the life of the asset. Coupled with this is the proviso that no permanent indebtedness may be incurred for

<sup>1</sup> *National Municipal Review*, May 1923, p. 223 (quoting *Financial Statistics of Cities*). Cf. also *N.M.R.*, Nov. 1922, p. 385 (Rightor, 'Reports on Funded Debts of Cities').

<sup>2</sup> Cf. *supra*, footnote 3, p. 70.

<sup>3</sup> *National Municipal Review*, Nov. 1922, pp. 385 ff.

current expense. In other words, as far as current expense goes, every municipality is limited to a pay-as-you-go policy, and if perchance a municipality shall over-expend any item of appropriation or expend in the absence of proper appropriation, it is required that this be clearly set forth and covered by specific appropriation in a succeeding budget. This at all times brings to the attention of the taxpayers the fact that the municipality has disobeyed the law, and while of course, under the statutes a penalty is prescribed in this connection, this (state) department is not a prosecuting office and does not take any action other than to see that the accounting is made regular.<sup>1</sup>

§ 38. *Reform of taxation.* Finally, the local taxation system itself was in need of reform. The burden on real estate seemed very great, yet little latitude had been allowed cities in developing other sources of revenue. Fiscal home rule was less advanced than political or industrial—partly because of constitutional restrictions, partly because of the strong defensive groups that blocked any extension of power that carried a financial threat. (There is a striking parallel in the opposition to the land tax in England.) The state pre-empted many of the alternative sources of revenues. There was too little excess condemnation<sup>2</sup> and too little application of the single tax principle to idle land.<sup>3</sup> More of the departments could have been made self-supporting.<sup>4</sup> Licences and occupation taxes were not greatly developed<sup>5</sup>—perhaps wisely. The chief channels of improvement of the local property tax lay in alterations in taxation of personal property, in assessment, and in lessening exemptions.<sup>6</sup>

<sup>1</sup> Letter, Aug. 16, 1923, from Walter R. Darby, New Jersey Commissioner of Municipal Accounts, to author.

<sup>2</sup> Cf. *National Municipal Review*, July 1923, p. 363; Purdy, *Why we Need Excess Condemnation*.

<sup>3</sup> Cf. p. 525.

<sup>4</sup> Cf. p. 455.

<sup>5</sup> Cf. Table, p. 325.

<sup>6</sup> Cf. pp. 521-550, for discussion of revenue system. Cf. Newcomber, *Separation of State and Local Revenues*, for comprehensive study of this phase of taxation reform.



## THE CHARACTER OF CITY GOVERNMENT

§ 39. *The West and the old order.* How far were American cities still their 'conspicuous failure' in government? The question is hard to answer dogmatically. Cities such as Chicago, Boston, and Philadelphia have exhibited discouraging tendencies; while Los Angeles, Detroit, and Cleveland have a more favourable record.

The struggle seemed to be one between the West and the old order. In one sense, the West may be taken as representing an attitude of mind—a '*spiritual frontier*'. It is radical, self-reliant, intolerant of tradition. Such an attitude was strongest on the Pacific Coast, but was scarcely less strong anywhere west of the Alleghanies. Direct government<sup>1</sup> and woman suffrage originated in the West. The West was the home of the commission<sup>2</sup> and city manager.<sup>3</sup> It crystallized the anti-monopoly battle, and waged it most successfully.<sup>4</sup> From the West these movements came eastward, and strengthened the progressive forces in the more conservative districts. Eastern cities have worked out many details in the way of efficiency, but the dynamic forces in American city life of late have been western. Fortunately the East has not been devoid of this spirit, and, if the development has been slower, in some respects it has been sounder. This may be its future task, in the conservatism that is not reaction.

As for the old order, no one can be insensible to the fact that the yielding has been great. After 1915, graft exposures were rare in the larger cities, for the skill in charter-making rendered impossible the old crude methods. Corruption must at least assume more refined forms. Incompetency also was unquestionably lessening.

But a new menace, not fully understood, began to appear. Once it became impractical to secure a contract

<sup>1</sup> Cf. p. 277.    <sup>2</sup> Cf. p. 275 f.    <sup>3</sup> Cf. p. 291.    <sup>4</sup> Cf. p. 156.

through favouritism or bribery, there was the temptation for contractors to combine by an agreed method of bidding in order to parcel out the contracts. This actually leaves the city wellnigh powerless. Whether the problem can be dealt with even under the more efficient government of the post-war period is as yet questionable. Next to corruption in the police department, this probably remained the most serious threat to cities—particularly insidious, in that it need not in any-wise involve city officials.

The political order did not yield readily. The lines were deeply drawn, and there was much to be said in favour of partisan government. In 1921 the mayors of 197 leading cities were classified as follows: Republican 57, Democrat 58, Labour-Socialist 3, Non-Partisan or Independent 79. Hence about 40 per cent. of the cities were at least nominally non-partisan in their sentiment. To this number should be added many of the Southern cities, where the real contest was fought out on non-partisan lines in the Democratic primary. How large a part the West played in the growth of municipal independence may be seen from the following table:

Division.	Republican.	Democrat.	Labour-Socialist.	Total Partisan	Non-Partisan (incl. Fusion and Independent)	Per cent. Non-Partisan.
Eastern -	34	25	1	60	14	18
Southern -	6	27	0	33	12	27
North Central	12	6	2	20	32	62
Western -	5	0	0	5	21	81
Totals -	57	58	3	118	79	40 <sup>1</sup>

§ 40. *Significance of charter changes.* When it is noted that the changes in American charters since 1910 were greater in their extent and more drastic in their significance

<sup>1</sup> Compiled from data in the *World Almanac*, 1922, p. 767 f.

than in any corresponding period, it becomes evident that the recasting of ideals was both radical and rapid. The progress of adjustment to modern conditions was evidently proceeding apace. Such flexibility and responsiveness of the charter as an instrument to register public opinion was by no means uniform between cities. Home rule and legislative concern were variable quantities. It is probably well that this is so, for it may provide a real check upon too mercurial a temperament, enabling the old to remain and to be tested in the light of the new.

§ 41. *Civic unity.* Finally the motive of civic unity increased its power. This was the logical outgrowth of civic patriotism. With this increase, election-at-large frequently obliterated ward lines.<sup>1</sup> Where this was not done, other devices designed for the same end were often introduced.

In the appreciation of the unity of the city, in the increased realization of the independence of its problems from state and national considerations, the waning of the old party lines in local elections continued.<sup>2</sup> The majority of the new charters incorporated the principle of the non-partisan election. Partisanship did not thereby cease to exist;<sup>3</sup> but its course was made more difficult, and the national distinctions steadily grew less powerful in local affairs.

With the increasing sense of civic unity the problem of area became more acute. It brought forward among others the question of the organization of a metropolitan district.<sup>4</sup>

§ 42. *The heritage of the old order.* What then has been the heritage of the old order?<sup>5</sup> It has often left a 'widespread and haunting suspicion of public men', that

<sup>1</sup> Cf. pp. 272, 276, etc.

<sup>2</sup> Cf. p. 333.

<sup>3</sup> Cf. Stoffer, 'Parties in Non-Partisan Boston', in *National Municipal Review*, Feb. 1923, p. 83.

<sup>4</sup> Cf. p. 498, and Bibliography, p. 653.

<sup>5</sup> For much of the following, cf. Goss, *Cincinnati*, pp. 272 ff.

has made politics a symbol of disgrace. It holds that graft is inevitable and proper. It casts a cloud of suspicion over many measures of reform as 'harmful to business'. It calls 'reasonable', the type of official who will be subservient to corporation interests and lenient in law enforcement. It has spread the doctrine that city government is necessarily incompetent. These matters are the weakest spots in American city government. Their converse in British cities is the latter's greatest strength, and furnishes their chief lesson to America.<sup>1</sup> In many of the older American cities a stratum of society remained where boss rule even in its grosser manifestations still seemed natural. Yet in most of these the support of this more pliable element could be counted upon to split between parties—while now the aroused better element could secure its will.

On the other hand, corrupt government was in part the result of a system of irresponsible governmental machinery, more than the deliberate will of the majority. The victory against the old order of confused responsibility had been all but won through the short ballot. The self-reliance engendered by home rule is a great positive force for popular participation.

What might have been accomplished, had not the war deflected attention, is problematical; yet the period gives much reason for sane hope. It introduced the efficiency principle, crystallized social obligation, established direct responsible government as the normal order, and aroused attention to the great problems remaining for solution. These were no inconsiderable achievements.

<sup>1</sup> Cf. p. 619.

## VI

### BRITISH CITIES

#### 1900-1924

*National events overshadow local government and bring an increase in centralization—The functional growth continues, but is not accompanied by a growth in local interest or capability—Difficulties in boundaries and finance become increasingly acute, but without remedies—Local self-reliance declines, with the gains in central influence under the grant-in-aid.*

#### NATIONAL EVENTS AND CITY GOVERNMENT

§ 1. *Pre-war years.* The period represents a stage of transition for British municipal government. Had the cities been left to themselves, it is probable that their evolution would have followed much the same lines as were evidenced in the '90's. But parliamentary action and influence were again in the ascendant, and began to dominate local considerations. As a consequence, many extraneous factors again hampered municipal self-government.

The first years of the period were under Conservative rule, and some of its peculiar characteristics left their stamp on local government. The denominational schools were transferred to the rates in 1902. In 1904 the possession of a licensed premise was converted into a vested right—not to be taken away without compensation at monopoly value.<sup>1</sup> The Liberal government, which came

<sup>1</sup> Licensing Act 1904. For a partisan view of this, cf. Howe, *British City*, p. 29.

into power in 1906, soon assumed a more militant aspect than had been customary in English politics. Yet at the beginning of the war, few of its promises to local government had been fulfilled. On the whole, it confined itself to legislation from the national view-point, where its various measures savoured more of radicalism (but not less of paternalism) than those of its predecessor.

§ 2. *Parliamentary neglect of city government.* It was this thinking in 'national terms' that made the period a unit in Parliament's dealings with the local authorities. It is true that there were continued professions of interest in the view-point of local government,<sup>1</sup> but these ended for the most part in the profession. When critical measures were under consideration, it was still the national view-point that triumphed.<sup>2</sup> There was nothing to parallel the days from about 1887 to 1895 in the way of a conscious effort to foster the local institutions. Unlike those days, the Members of Parliament cognisant of the needs and outlook of local government—and working for them—seem to have become few in number.<sup>3</sup> With the increasing pressure of other business, Parliament placed more and more reliance upon the government departments. In the case of local affairs, facilities were

<sup>1</sup> In 1908 a motion was carried, *nem. con.*, 'That . . . the present system of local taxation and the relation between local and Imperial burdens demand the immediate attention of H.M.'s Government, with a view to more equitable distribution as between local and Imperial obligations.' The Government accepted this with reservations on the word 'immediate', claiming that valuation reform should take precedence. This was, however, also postponed.

<sup>2</sup> A typical instance concerned the large measure of centralization introduced in the Housing and Town Planning Act 1909. Cf. p. 359 f. below.

<sup>3</sup> This opinion—which is developed on pp. 338 ff., 394—is also held by Collins, 'Readjustment of Imperial and Local Taxation', in the *Political Quarterly*, No. 3, Sept. 1914, pp. 101 ff. The Government of Mr. Bonar Law (1923), however, contained five former members of the London County Council (Viscount Peel, Sir Montague Barlow, Sir Samuel Hoare, the Hon. Walter Guinness, the Earl of Malmesbury) and a former Lord Mayor and then Alderman of Birmingham, Mr. Neville Chamberlain (*The Ratepayer*, Nov. 1922, p. 200).

offered for preparation of public bills by the Legal and Order Division of the Local Government Board.<sup>1</sup>

The forces in Parliament producing this changed outlook were many, and this is not the place to analyze them. It is sufficient to indicate that in the debates on measures affecting local government, by implication and profession, the pictures drawn were of great national programmes and of high national minimums.<sup>2</sup> What has been well called 'unofficial bureaucracy'<sup>3</sup> governed much of the legislation. The neglect by Parliament had increased the imminence of a financial crisis in city affairs.

Nor was this growth of a national mind the only reason for a relative neglect of local government on the part of Parliament. Imperial and national life had become complex, and there seemed little time for local affairs. This was exaggerated by the fact that under the system of party government it was the great controversial measures of party policy that occupied most of the time of discussion.<sup>4</sup> Local government was outside this sphere, and hence neglected. Not only was the matter non-controversial, but also it would have taken more time than the government felt it could spare from the measures on which its appeal to the electorate would be judged. The seriousness of this neglect of local government can be pointed out by some typical cases. The Royal Commission on Local Taxation reported in 1901; yet

<sup>1</sup> Cf. Bannington, *Public Health Administration*, ch. xxiv.

<sup>2</sup> For such 'pictures' expressing national aspirations, cf. *Parl. Proc., H.C.*, as follows: Old Age Pensions, 1908, vol. 190, p. 585 f.; Housing and Town Planning, 1909, vol. 3, p. 736 f.; 1919, vol. 114, pp. 1714 ff.; National Insurance, 1911, vol. 26, pp. 271, 277; Education, 1918, vol. 107, pp. 335 ff., 342, etc.; Maternity and Child Welfare, 1918, vol. 107, p. 812; Health, 1918, vol. 107, pp. 810 ff.

<sup>3</sup> Cannan, *Local Rates*, p. viii.

<sup>4</sup> Education Bill 1902—52 days; Licensing Bill 1904—18 days; Plural Voting 1906—12 days; Education Bill 1906—31 days; Licensing Bill 1908—30 days; Old Age Pensions Bill 1908—10 days ('Congestion of Business in the H.C.', in the *Round Table*, Dec. 1911, p. 62). Cf. the entire article, on the basis of which this paragraph is written.

during the thirteen years before the war, Parliament found no time to solve the problem in spite of its increasing gravity. The Royal Commission on the Poor Law in 1909 recommended the abolition of the boards of guardians, and its findings were re-emphasized by the Reconstruction Commission. A dilatory Parliament has not yet (1926) found a correlated solution, though the local problem has grown more and more serious. The great measures of social insurance which derived much of their inspiration from the Report were national in conception. About 1912 Parliament virtually put a stop even to its occasional policy of securing adequate municipal annexations, on the ground that it must adopt some uniform action.<sup>1</sup> Ten years later London, Sheffield, Manchester, Leeds, and many other cities still found their municipal development thwarted by central inaction. Valuation reform—though a subject of numerous investigations, and though the Association of Municipal Corporations repeatedly requested changes<sup>2</sup>—has continued an unsolved problem.

Only relatively minor were numerous other matters for which Parliament failed to find time, and which constantly formed the subject of complaints by the Association of Municipal Corporations. Four times permission was sought for trustees to invest in municipal securities.<sup>3</sup> Five times Parliament was asked to remedy an ambiguity between a 'sewer' and a 'drain'.<sup>4</sup> Powers to protect

<sup>1</sup> Cf. p. 338.

<sup>2</sup> 'With the exception of the undoubted improvement that has been made in London, the country generally has not experienced any advantage from all the Commissions, and the Select Committees, and by all the Bills that have been introduced within the last fifty years on this subject' (*Annual Report Association Municipal Corp.*, 1901-2, p. 95).

Cf. also *Minutes, Annual Meeting*, *ibid.* 1906, p. 47; *Annual Report*, *ibid.* 1905, p. 56; *Minutes, Annual Meeting*, *ibid.* 1908, p. 54.

<sup>3</sup> *Ibid.* *Annual Report*, 1901-2, p. 98 f.; 1911, p. 93 f.; *ibid.* *Annual Meeting*, 1903, p. 43; 1905, p. 29.

<sup>4</sup> *Ibid.* *Annual Report*, 1901-2, p. 54; 1903, p. 7; 1904, p. 39; 1911, p. 93 f.; *ibid.* *Minutes, Annual Meeting*, 1911, p. 39.



the milk supply were requested six times.<sup>1</sup> During the three years, 1911-3, nine bills were introduced at the instance of the Association, not one of which was passed, and the majority of which failed to receive a second reading.<sup>2</sup>

Yet in all of these matters there was agreement as to the necessity for action, and in all of them the fault was neglect.<sup>3</sup> American cities, either because of devolution or 'home rule', were rapidly being released from any such dependence upon a central legislature.

§ 3. *The war.* The war postponed any immediate consideration of local government problems.<sup>4</sup> It dominated both central and local affairs. The cities responded to every call made upon them. It was expected that there would be great suffering from dislocation of industry and unemployment in addition to that in the families of the men in the services. Accordingly, under the direction of the Local Government Board and a central committee, a complete new machinery was set up in the shape of Local Committees for the Prevention and Relief of Distress.<sup>5</sup> In the same way, localities were encouraged to undertake new public works, sanction for which the Local Government Board expedited. By 1915 it became apparent that the forecast had been wrong, and that in most industries there was even less unem-

<sup>1</sup> Ibid. *Minutes, Annual Meeting*, 1907, p. 67; 1918, p. 39; 1922, p. 43; ibid. *Annual Report*, 1909, p. 78; 1913, p. 51; 1920, p. 71.

<sup>2</sup> Ibid. *Annual Report*, 1911, p. 93 f.; 1912, p. 122; 1913, p. 52.

<sup>3</sup> 'The questions . . . are . . . by no means new. For more than half a century Parliament has been compelled by the growing pressure upon its time and the growing demand for the provision of public utilities . . . to diminish the volume of Private Bill legislation' (Ministry of Reconstruction, *Report of Acquisition of Powers Sub-Committee* [Cd. 8982, 1918], p. 3).

<sup>4</sup> The history of the municipalities during the early years of the war is largely a *résumé* of the 'Reviews' in the *Political Quarterly*, Nos. 4, 5, 6, 7, 8, Dec. 1914 to Sept. 1916, and Heath, 'War and Unemployment', in No. 5, Feb. 1915. These should be consulted for details.

<sup>5</sup> Ibid. No. 4, p. 207 f.; No. 8, p. 164.

ployment than in normal times. To the consequent reversal of policy, the localities again quickly adapted themselves, and reduced their programmes to much less than normal. In 1915 still another group of local authorities was set up—for war pensions—in spite of local protests that Old Age Pensions authorities were capable of serving.<sup>1</sup>

As the war continued there were further curtailments of local services, particularly in education and the trading activities.<sup>2</sup> As the number of the employees in munition work or with the colours increased, use was more and more made of women and children to take their places. Tacit relaxation of compulsory education laws set free a large number of the latter, and the average age of leaving school was lessened. The pre-war trend toward an increase of women teachers was greatly accelerated.<sup>3</sup>

A serious financial stringency, which dated from the years before the war, was somewhat exaggerated in spite of curtailment of services. Allowances were made to the families of employees now with the fighting forces.<sup>4</sup> Wages and costs were steadily rising. Waste resulted from inexperienced employees. The municipal trading enterprises often faced actual losses.<sup>5</sup> There was little change in the rates till the war ended, the change being from 6s. 8 $\frac{3}{4}$ d. in 1914 to 6s. 10 $\frac{3}{4}$ d. in 1918.<sup>6</sup> The rise to 13s. 3 $\frac{1}{2}$ d. in 1921 was to a certain extent apparent rather than real—for the Rent Restrictions Act<sup>7</sup> had checked a rise in rent advance to correspond to the advance in wages and other price items. A natural rent

<sup>1</sup> The 'Distress Committees' set up under the Unemployed Workmen Act 1905, were also passed by. Ibid. No. 5, Heath, 'War and Unemployment', p. 70; ibid. No. 7, 'Reviews', p. 172.

<sup>2</sup> Ibid. No. 7, 'Reviews'.

<sup>3</sup> Ibid. No. 5, p. 184.

<sup>4</sup> Ibid. No. 8, p. 161 f.

<sup>5</sup> Ibid. No. 6, p. 185.

<sup>6</sup> Memo. on Local Rates (Cd. 1633, 1921), quoted in *The Ratepayer*, May 1922, p. 140.

<sup>7</sup> Increase of Rent and Mortgage Interest (War Restrictions) Act

advance during 1914-1923 would have served to make the higher absolute amounts in rates seem more normal.

It was by the residuals of the war, rather than by the war itself, that city government was most affected. Of these none was more marked than the great stimulus lent to centralization and thinking in national terms. Interest in local government had been negligible during the war, even the elections having been postponed;<sup>1</sup> and it was not to be expected that this would be without effect. The people, as well as Parliament, had begun to consider problems (such as health and housing) on national lines. In 1918 it was claimed that interest in local government was confined to Ratepayers Associations.<sup>2</sup>

§ 4. *Reconstruction.* It was in this atmosphere of indifference to purely local interests that Parliament began its work of reconstruction. Broad statesmanlike measures, framed on national lines, followed for education, health, housing, etc. Women were granted the franchise. Labour had become conscious of its power, and there was an attempt to hold and advance the gains in industrial democracy made during the war. There was comparatively little thought given to local government except in its aspect of an agent for the national. To Parliament it had become merely a tool to carry out its will.<sup>3</sup>

But this stage soon passed, and a period of reaction and disillusionment set in. The business cycle brought its period of great unemployment, and financial stringency joined with the spiritual reaction in postponing the great plans of reconstruction. The shock for the masses was eased by no savings of their own. The number of persons in England and Wales in receipt of poor relief rose from 575,260 on January 1, 1921, to 1,688,000 on

<sup>1</sup> Cf. *Political Quarterly*, 'Reviews', No. 4, Dec. 1914, p. 197.

<sup>2</sup> City Councillor (E. D. Simon), 'Reconstruction in Local Government', in the *Athenaeum*, April 1918, p. 180.

<sup>3</sup> Cf. p. 349, and footnote 1.

July 1, 1922,<sup>1</sup> in addition to about 800,000 old age pensioners.<sup>2</sup> The governments, local and central, found their great plans checked, and the vital question facing them that of furnishing relief for the unemployed. Housing, education, health, welfare, local government—all were laid aside by Parliament.

The war and reconstruction were more profound in their influence on England than on America. England suffered infinitely more and longer. The national and local financial stringency was far greater;<sup>3</sup> and even such measures as prohibition, which would have made possible a considerable amount of individual savings to break the shock, had not been taken.

#### NATIONAL MOTIVES AFFECTING CITY GOVERNMENT

§ 5. *Humanitarianism.* It is not surprising that since the opening of the century, parliamentary rather than local action has been a more decisive factor in city evolution. In order to consider some of the effects of this, one turns to a detailed treatment of the functions of local government.

In functional development nationalism was often the prevailing motive; but one cannot review the new departures without realizing that the humanitarian impulse, noted in the previous decade, had deepened greatly and was translating itself into legislation of various sorts. Conspicuous among the measures of this nature were the Factory and Workshops Act 1901; the Employment of Children Act 1903; the Prevention of Cruelty to Children Act 1904. After the change of government in 1906 the measures grew more frequent and included the Education (Provision of Meals) Act 1906; Education

<sup>1</sup> Quoting Sir Alfred Mond, in the H.C., in *The Ratepayer*, Aug. 1922, p. 167.

<sup>2</sup> *Report, Ministry of Health, 1922-3*, p. 95.

<sup>3</sup> Unemployment was for a period fully as prevalent in the United States, at one time being 6,000,000.

(Administrative Provisions) Act 1907; Public Health Acts Amendment Act 1907; Old Age Pensions Act 1908; Housing and Town Planning Act 1909; Labour Exchanges Act 1909; Trade Boards Act 1909; Education (Choice of Employment) Act 1910; National Insurance Act 1911; Shops Act 1912; Mental Deficiency Act 1913. The latter Acts were the outgrowth of the Poor Law Commission Report.

§ 6. *Democracy.* The democratic tendencies revealed in the cities were likewise finding expression. Labour members, which made up 8·1 per cent. of the councils of Liverpool, Leeds, and Birmingham in 1900, had increased to 17·9 per cent. in 1922.<sup>1</sup> The reaction seems to have been a better appreciation of the view-point of the masses. Yet in the case of both humanitarianism and democracy, it was the national impulse that largely determined the course they were to take. It seemed easier and more attractive to legislate for the whole country, than to choose the path chosen by the United States of allowing education and local initiative to take their course. Much of the paternalistic trend now becoming so marked, must be attributed to this tendency toward central action.

§ 7. *Nationalism.* Attention has already been called to the fact that Parliament seemed to be losing its sense of the importance of fostering local self-government.<sup>2</sup> Thus there came about a reversion to something approaching its methods of the '70's, whereby legislation was piecemeal in its character. Legislation was again for single functions, while during the entire period there was scarcely an Act of importance relating to local government as a whole.<sup>3</sup> The measures allowed large scope for the humanitarian or democratic motive—but these were framed in national terms, and their emphasis was along

<sup>1</sup> Cf. Appendix B.

<sup>2</sup> p. 337.

<sup>3</sup> Minor exceptions were the Borough Funds Act 1903; Local Authorities (Admission of the Press to Meetings) Act 1908; Qualification of Women Act 1909; Acquisition of Land (Assessment of Compensation) Act 1919.

national lines.<sup>1</sup> There was not an Act designed to remedy comprehensively the difficulties of framework or area; nor, prior to 1918, was there any Act designed to provide the localities with adequate revenue.

§ 8. *Growing intensity of feeling.* The motives operating at the close of the war were not materially different from those in pre-war days—except in their intensity and relative importance. Humanitarianism and democracy—their course determined by nationalism—were still the most prominent. The welding of these three in fluctuating proportions largely accounted for new functional developments until the post-war reaction set in. Even then the principal check came from the financial situation, rather than from a fundamental change in current thought.

One aspect calls for more than ordinary notice. Even in pre-war days there were signs that an element of bitterness or of deep cleavage was entering the political struggle. This had previously been relatively absent. The actual legislation did not indicate that the nation was losing its inherent tendency to compromise; but after the war passions were let loose, particularly in industrial life. In so far as these marked the rise of the Labour Party, with its threat to so many of the vested interests of economic and social privilege, they pointed toward a new phase that contained more of conflict and less of compromise, which bore some resemblance to the general spirit in American political life since 1870. The appearance of this tendency was made more interesting by the fact that it was occurring at a time when compromise was distinctly on the gain in the United States.

§ 9. *Humanitarianism in reconstruction.* There was little local action to parallel the initiating activity of the departments of 'public welfare' in American cities.<sup>2</sup> One must look to the legislation of Parliament to find

<sup>1</sup> Cf. *Parl. Proc., H.C.* (1918), vol. 107, pp. 335 ff. (particularly p. 342); pp. 810 f., 812; (1919), vol. 114, pp. 1714 ff.

<sup>2</sup> Cf. p. 307.

the evolution of the corresponding motive. The Maternity and Child Welfare Act, the Blind Persons Act, the Juvenile Courts Act, and the system of social insurance (including the aged, sick, and unemployed) were evidences of the social outlook of Parliament.

It will be noticed also that much of this legislation was directly in line with the paternalistic type of government toward which England was moving. Here again appeared a deep and underlying difference from American philosophy. This latter was developing its main efforts toward provision of a more suitable environment and a better chance of advancing status, and left to the individual the ultimate responsibility for his care in sickness, old age, and unemployment. In the United States there was no assumption of permanence of industrial or social status to justify paternalism as in England.

§ 10. *Democracy in reconstruction.* Yet England showed many signs of fraternal thought. This seemed largely, though not wholly, to synchronize with the rising of the Labour Party. The relative absence of class consciousness in America (almost alone among the countries of the world) showed how sound had been the lines along which her education policy had been built. It was significant that the education programme of the Labour Party was directed toward attaining a similar equality of opportunity. Among its policies were free secondary education for all and greater opportunity for free university education—both of which had long been accepted in America.

The more direct reaction of the democratic movement upon the cities was expressed, among other ways, in a more conscious effort to make the city a model employer.<sup>1</sup>

<sup>1</sup> For Sheffield, cf. Wilson, 'Administration in Sheffield', in the *Political Quarterly*, No. 3, Sept. 1914, pp. 80 ff. Under the Police Act 1919, the 'Police Federation' was established for the entire country, in order to permit corporate expression of the wishes of the force (cf. Clarke, *Local Government*, p. 241 f.). Several cities included 'fair wage' and similar clauses in their standing orders. (Cf. *Year Books*, 1922-3, Sheffield, p. 176; Glasgow, p. 231; Belfast, p. 162; Bradford, p. 94.)

The employees in some towns—notably Manchester, Leeds, and Liverpool—took advantage of this to press for concessions considerably in advance of the standard. Complaints of political activity on the part of municipal employees in favour of candidates known to incline toward their view-point, were too frequent not to have some basis of truth.<sup>1</sup> The results at times resembled the effects of the spoils system in America. A similar tendency nationally was revealed in pension and superannuation schemes for police, teachers, etc.<sup>2</sup>

Where Labour councillors constituted a majority, their democracy expressed itself in extensions of municipal trading, larger education expenditure, or concessions to employees—not always coupled with sound finance. In Birmingham a non-Labour majority adopted the policy of putting a Labour member on each employing committee.

The chronic problem of land acquisition was brought a step nearer solution in 1919 by provision for a tribunal (Reference Committee) for assessing compensation of land for *all* public purposes,<sup>3</sup> but the old Conservative attitude again appeared in 1923, when the provision for registration of land transfers was abolished. The 1919 action had been influenced by a report of the Ministry of Reconstruction which pointed out that, 'Under the present system public authorities may well prefer to pay any figure up to double the fair value of the land rather

<sup>1</sup> Cf. Dawson, *Municipal Trade*, pp. 106 f., 132. The culmination was the Leeds Strike in 1913-14, for which cf. 'Reviews', in *Political Quarterly*, No. 2, May 1914, p. 209 f. For Manchester, cf. Knoop, *Municipal Trading*, pp. 299 ff. As early as 1901, 2.7 per cent. of Manchester's population were municipal employees; 10 to 12 per cent. of Leeds' ratepayers belonged to the same category (*ibid.* p. 278). For London County Council's method of dealing with the question, cf. *ibid.* p. 301. In 1919 Liverpool had a serious police strike.

<sup>2</sup> Chamberlain, 'Municipal Government in Birmingham', in the *Political Quarterly*, No. 1, Feb. 1914, p. 108, points out the good results of that city's scheme.

<sup>3</sup> Acquisition of Land (Assessment of Compensation) Act 1919.



than face the delays and expense of compulsory acquisition.'<sup>1</sup>

§ 11. *Nationalism and reconstruction.* Following the South African War, nationalism and emphasis on national welfare had developed rapidly. The Royal Commission on Local Taxation, which reported in 1901, emphasized the national character of the education and poor law services.<sup>2</sup> The Departmental Committee on Local Taxation of 1914 re-emphasized this, and placed public health in a similar category of 'locally administered services of national character'.<sup>3</sup>

The Great War gave nationalism a new content and made it more than ever the dominant note in parliamentary legislation. Something of the same tendency was noted in the United States in the matters of education and venereal disease control; but the constitutional disabilities of Congress, as well as the long tradition of local autonomy, prevented any considerable development. In the United Kingdom it was otherwise. There was no check upon Parliament, save public opinion—and the latter had passed through five years during which national issues were the constant topic and local government forgotten. Hence it was considered proper that reconstruction in the services even of local government should be on national lines. Meanwhile, the housing crisis had assumed national proportions, and the prominence of the democratic and humanitarian motives made still other forms of social welfare seem of national importance.

The result could have been prophesied. Between the years 1918 and 1922 measures were written on the statute

<sup>1</sup> Ministry of Reconstruction: First Report of the Committee dealing with the . . . acquisition and valuation of land for public purposes (Cd. 8998, 1918). (Quoted in article, 'Land', in *The Athenaeum*, April 1918, p. 183, by R.L.R.) The article constitutes a *résumé* and commentary on the Report. Cf. also the Second Report (Cd. 9229, 1918), which constitutes a revelation of the troublesome details surrounding land acquisition. The Fourth Report (Cd. 424, 1919) deals with the details of land transfer.

<sup>2</sup> Cf. p. 400

<sup>3</sup> Cf. p. 402.

books covering education, health, housing, police, maternity and child welfare, town planning, roads, transport, and other public utilities.<sup>1</sup> An examination of the individual Acts reveals certain underlying similarities. As far as their aims were concerned, they bore the mark of a real breadth of vision; but it will be noted hereafter that in each of them there was embodied the conception of the locality, not as a co-partner, but as an agent to carry out the national purpose.

There was a curious response to the criticism of many of the earlier grants and attempts at supervision. For example, in education it had frequently been pointed out how hampering to local initiative were the multitude of detailed conditions governing the award of grants.<sup>2</sup> Thus many of these new Acts were framed in such a way as ostensibly to enable the grants to 'foster local initiative'. In education, housing, town planning, and maternity and child welfare, the method chosen of supervision and award was to allow the local authorities to frame 'schemes' for putting the Acts into effect—which schemes were to be submitted for central approval.<sup>3</sup> Two things must be noted in this connection. The localities were naturally so eager to obtain the largely increased grants under the new methods, that the process known as 'staking out claims' dominated the local policy; and hence, as withholding or granting was in the hands of a government department, the latter's wishes were the ones naturally consulted.<sup>4</sup> In the second place, by the

<sup>1</sup> Education Act 1918; Maternity and Child Welfare Act 1918; Ministry of Health Act 1919; Housing and Town Planning Act 1919; Police Act 1919; Ministry of Transport Act 1919; Electricity (Supply) Act 1919; Roads Act 1920; Gas Regulation Act 1920.

<sup>2</sup> Cf. p. 190.

<sup>3</sup> A similar relaxation of detailed central regulation took place in 1914, in the matter of 'schemes' for provision of meals for school children. Education (Provision of Meals) Act 1914. (Cf. 'Reviews', in the *Political Quarterly*, No. 5, Feb. 1915, p. 186.)

<sup>4</sup> The uniform opinion expressed by municipal officials in the cities visited by the author. Cf. also p. 363.

medium of the grant, it was assumed that the central department would correct any errors in the scheme which the local government might make.<sup>1</sup> Between these two aspects one can see that the underlying purpose was that the central department should encourage 'desirable' expenditure and check 'undesirable'.<sup>2</sup> It was expected that central knowledge would be such as to determine the meaning of 'desirable' and 'undesirable' in particular cases.

What would have been the ultimate effect of these Acts is uncertain. The reaction against expenditure checked their operation in the cases of education and housing. The ultimate effect in the case of the other Acts is not yet clear. The only point on which all agree is that a great initial increase occurred in both central and local expenditure—whether the increase was desirable or otherwise.<sup>3</sup> Evidence concerning the other aspects of the plan is best deferred for later consideration.<sup>4</sup> Both the aims and the methods contemplated by the Acts were the natural outgrowth of nationalist thought operating upon humanitarianism and democracy. Whether or not the United States would have followed the same course had it been constitutionally possible is difficult to say.

#### FUNCTIONS OF CITY GOVERNMENT

§ 12. *Critical character of the period.* From a consideration based on the national history and underlying

<sup>1</sup> A Special Committee of the Liverpool Council dealing with the 'Garston Housing Scandal' (cf. p. 381) charged that the Ministry of Health through the fact that it approved the local action must share the responsibility for its failure. (*Liverpool Post*, April 2, 1923, p. 5.)

<sup>2</sup> *Parl. Proc., H.C.*, 1919, vol. 114, pp. 1714 ff.; 1918, vol. 107, p. 808, etc. In the Housing, Town Planning, etc., Act 1919, the purpose of the grant was largely to 'get things done' and to relieve local financial strain.

<sup>3</sup> Cf. p. 405.

<sup>4</sup> Cf. p. 569.

motives of the period, one turns to a more detailed consideration of some of its aspects. In this way can be made clear the impact upon city government of the national philosophy and the international events.

Even the most cursory survey of the functions reveals how critical was their course and how deeply each function was affected and changed, particularly during the latter part of the period. In addition to crises in housing and education, noted also in the United States, there was a major crisis in poor law administration. It cannot be said that the problem of any one of these functions is as yet (1926) solved, or even approaches solution, in England; however successful may have been the American effort in similar channels. Thus their comparative analysis becomes of peculiar interest.

§ 13. *Education.* There is little gained in recounting the familiar details of the religious struggles leading up to the Education Act of 1902, or those that defeated the Bill of 1906.<sup>1</sup> Whether for good or ill, they had no counterpart in American or Scottish education. By the close of the decade the public seemed to have accepted the compromises involved.

The humanitarian impulse in education continued to grow. There is a notable distinction between the early provision of the rudiments of knowledge and the widening to include welfare activities in this decade. A conspicuous example of the latter was the Education (Provision of Meals) Act of 1906. The introduction of school medical inspection (made compulsory from the beginning through national thinking),<sup>2</sup> the extension of

<sup>1</sup> For accounts, cf. Balfour, *Educational Systems*, pp. xvii ff.; Lowell, *Government of England*, vol. ii, pp. 311 ff.; Odgers, *Local Government*, pp. 311 ff.

<sup>2</sup> Education (Administrative Provisions) Act 1907. The Local Education Authority (Medical Treatment) Act 1909 made possible treatment, with recovery of cost from the parent. Centrally, the Medical Dept. of the Board of Education was unusually successful (Cf. Morris, *English Public Health*, p. 11 f.).

powers to provide recreation, vacation schools, vocational guidance, etc., all showed the same trend.<sup>1</sup>

The workings of the democratic motive were not so effective. They were directed largely toward the extension of facilities for 'higher' (secondary) education to more children of the working classes. Initial efforts of this nature had been made even earlier by the more democratic and progressive of the city school boards; but in 1901 these were disallowed in the Cockerton case.<sup>2</sup> A few elementary schools of a somewhat higher class had been recognized for grants under a minute of the Board of Education in 1900.<sup>3</sup> The 1902 Act had, it is true, removed the restriction of expenditure to elementary education, but the checks remaining were sufficiently effective. The grant-in-aid system, in effect, penalized such effort, through putting a premium on elementary education—and in other ways also the Department seems to have discouraged attempts.<sup>4</sup> More genuine was the opening provided in 1907, through the extension of power to award scholarships to a few of the more deserving pupils from elementary schools.<sup>5</sup> Yet less than 20 per cent. of young persons between fourteen and eighteen were attending school in England,<sup>6</sup> compared with 62 per cent. in the United States. By 1913 there were only

<sup>1</sup> Education (Administration Provisions) Act 1907; Education (Choice of Employment) Act 1910.

<sup>2</sup> Cf. Balfour, *Educational Systems*, pp. xxii, 42 f. Permission to carry on existing schools which had been conducted in violation of the law was granted by a special Act of Parliament.

<sup>3</sup> Cf. Balfour, p. 40.

<sup>4</sup> For a somewhat partisan view, cf. 'School Child and Juvenile Worker', *Leaflet No. 17*, March 1918.

A similar complaint that secondary schools were slighted in order to obtain the elementary grants was directed against the smaller Scottish burghs as early as the '80's (Balfour, p. 217).

Limitations on higher education under County Councils remained until the Education Act 1918.

<sup>5</sup> Education (Administrative Provisions) Act 1907.

<sup>6</sup> 1918, *Manchester's Educational Problem*, p. 23; U.S. Census, 1920, from *World Almanac*, 1923, p. 372.

13,314 scholarships and free places in English secondary schools for those of fourteen and fifteen years of age, while the number of pupils of the same age who had remained voluntarily for higher grade work at elementary schools had fallen since 1903 from 53,926 to 37,114.<sup>1</sup> In Manchester (1915-18) there were only 480 free scholarships with 4,067 selected children competing for them.<sup>2</sup>

Even the limited popular democratic local interest in education that had been aroused under the old directly elected school boards seems to have lapsed under the obscure and only indirectly responsible education committees.<sup>3</sup>

Many of the developments in education bore considerable resemblance to those in the United States. There was something of the same tendency to group other and related activities around the school—such as medical service, vocational guidance, provision of meals, recreation, etc.<sup>4</sup> After the war there was a really considerable growth in secondary education. By 1920-21 there were 95,105 free places (all ages), representing 30.5 per cent. of the total number of pupils.<sup>5</sup> In the Education Act of 1918 it seemed as though at last there was to be a break from the old tradition of the provision of elementary education for the working classes. The preamble and certain clauses of the Act read like a 'Bill of Rights':

<sup>1</sup> *Report of Scottish School Boards Association on the Council System*, p. 26, etc.

<sup>2</sup> *Manchester's Educational Problem*, p. 24.

<sup>3</sup> Cf. result of questionnaire on this point in *Report of Scottish School Boards Association on the Council System*, p. 5 f. This was confirmed by the author in consultation with education officials in the case of several of the cities visited.

<sup>4</sup> For growth of the school medical service, cf. Morris, *English Public Health*, pp. 93, 99, etc.; and 'Reviews', in *Political Quarterly*, No. 7, March 1916, p. 180 f.

<sup>5</sup> *Report, Board of Education, 1920-21* (Cd. 1718, 1922), p. 28. Monmouth was excluded.

‘To establish a national system of public education available for all persons capable of profiting thereby. . . . To secure that children and young persons shall not be barred from receiving the benefits of any form of education by which they are capable of profiting through inability to pay fees.’<sup>1</sup>

Much of the old complicated system of grants was swept away. Provision was made for the poorer areas, and a block grant was substituted, whereby the central authority would bear at least 50 per cent. of the cost of any acceptable scheme.<sup>2</sup> Nursery schools, holiday camps, and various forms of social and physical education were to be encouraged.<sup>3</sup> The compulsory, full-time education age was raised to fourteen.<sup>4</sup> The remaining fees were abolished in elementary education. In addition, the gap between the juvenile and the adult was to be bridged by a system of compulsory continuation schools eventually to extend to the age of eighteen.<sup>5</sup>

By 1921 reaction under financial stringency brought the elimination of the continuation schools and of other provisions which were the heart of the Act.<sup>6</sup> Thus at a time when America, by local more than by state effort,

<sup>1</sup> Education Act 1918, Preamble, and sec. 4 (4).

<sup>2</sup> 36s. per unit of average attendance; plus (1) 60 per cent. of teachers' salaries, (2) 50 per cent. of special services (medical), physical training, play centres, etc., (3) 20 per cent. of remainder, less the product of a 7d. rate. Maximum grant of two-thirds of net expenditure or excess of net expenditure over a 1s. rate. Deficiency grant in the event of the foregoing falling below 50 per cent. Additional ‘Highly Rated Area’ grant—conditions to be prescribed by the Board of Education.

<sup>3</sup> Sec. 17 (a), (b), (c). By 1919 forty authorities had teachers of gymnastics and fifty had play centres (Morris, *English Public Health*, p. 97 f.).

<sup>4</sup> There were still some exceptions to this. Cf. *Isle of Wight County Council Education Scheme*, p. 6, for exemption of thirteen-year-olds in 1920.

<sup>5</sup> For the continued backward state of Irish education (average attendance, 1919, only 68.9 per cent.), cf. *Report of the Commissioners of National Education in Ireland, 1918-19*.

<sup>6</sup> Education Act 1921.

met the financial stringency with increase in education expenditure; England, central and local government alike, reduced hers from £84,000,000 in 1921 to £75,000,000 in 1923.<sup>1</sup> This points to a possible danger of construing such a function as *national*—instead of letting it rest upon the surer foundation of local popular interest.

Yet not all effort and stimulus were central. The London County Council in 1912 entered upon a consistent policy to reduce the number of children in its classes, and by 1919 the average had been brought down to thirty-six. The Council also had organized a system of central schools for the brighter pupils and had re-organized its evening schools on a sound basis.<sup>2</sup> The larger provincial boroughs, where municipal life was the strongest, had developed their own systems of inspection—so that the Board of Education was confining its chief effort to the smaller boroughs and counties. For example, in 1922 Birmingham had eight such local inspectors and only one full-time government inspector. Liverpool had eight or ten local, and three government inspectors. Leeds had six and Bristol five local inspectors.<sup>3</sup> The point may seem a small one, but it must be noted as an evidence of the inherent strength of local self-government. Bradford was particularly energetic, spending in elementary education 21 5s. 4d. per child, and rating 9 3d. in the the £ for higher education. Its clinics and school dental work were models of their kind, and it was one of the first to develop an open air school.<sup>4</sup> York's attempt at abolishing fees for secondary education was prevented by

<sup>1</sup> Statement by the Minister of Education in H.C., May 31, 1923 (*Liverpool Post*, June 1, 1923).

<sup>2</sup> *L.C.C. Education Committee Scheme under 1918 Act*, pp. 8, 40.

<sup>3</sup> Interviews at the offices of the Education Committees of the respective cities.

<sup>4</sup> 'Reviews', *Political Quarterly*, No. 7, March 1916, p. 55 f.; Morris, *English Public Health*, pp. 94 ff.; *Stoke-on-Trent Scheme under 1918 Act*, p. 48.



the Board of Education. Local self-government with English cities seems still to be sufficiently alive, so that, however much it is restrained or checked, it searches out and uses whatever channels for independent effort may remain.

§ 14. *Public health.* For a time the impetus of the local initiative of the preceding decade in health activity continued unabated. By 1915, when notification of births was finally made compulsory, the majority of local authorities had already voluntarily come under the 1907 Act.<sup>1</sup> The more progressive cities still secured powers in advance of general legislation. Sheffield (1902) was the first to make notification of tuberculosis compulsory. Liverpool, in its 1908 Private Act, included powers to prohibit all cellar dwellings after 1912. The London County Council (1907) were given power to examine milk and stop the supply where it proved tuberculous. Huddersfield secured power for compulsory notification of births one year before the Act of 1907.<sup>2</sup> From the Association of Municipal Corporations came requests for extension of powers over infant welfare, dwellers in vans, milk supply, and notification of tuberculosis. It secured the Public Health Acts Amendments Act in 1907.<sup>3</sup>

On the other hand, the emphasis on the 'national minimum' continued to grow; as powers were converted into duties, and the Local Government Board and Home Office were endowed with necessary powers of control.<sup>4</sup>

<sup>1</sup> Lane-Clayson, *Child Welfare Movement*, p. 13.

<sup>2</sup> Cf. Bannington, *English Public Health*, pp. 98, 173, etc.; Lane-Clayson, p. 9; etc.

<sup>3</sup> *Minutes, Annual Meeting, Association of Municipal Corporations*, 1907, p. 68; 1908, p. 56; 1909, p. 29; 1910, p. 57, etc. *Annual Report*, 1907, p. 5.

<sup>4</sup> In addition to the ones mentioned should be noted extension under the Housing and Town Planning Act 1909; Notification of Births Act 1907—which gave to the Local Government Board the power to declare the Act in force in a locality whether the authority agreed or not; Children Act 1908; Midwives Act 1902. Cf. also p. 406.

In the new branches of health work—tuberculosis, venereal disease, child welfare,<sup>1</sup> and health insurance—the central control was most fully developed. The agitation against tuberculosis had started with isolated instances of local and voluntary effort.<sup>2</sup> Powers of provision for sufferers were incorporated in the National Insurance Act of 1911; and later legislation shifted the responsibility even more directly upon the county borough councils, in order to reach those not covered by health insurance. By the end of the first year of the grant forty-five county boroughs had taken advantage of it. Thirteen more were added the second year.<sup>3</sup> Notification of tuberculosis was made mandatory in 1912; and further steps, such as dairy inspection, were contemplated, but postponed because of the war.<sup>4</sup>

Health insurance—a manifestation of the paternalistic tendencies of the time—came in 1911. With it were included certain measures designed to secure local responsibility.<sup>5</sup> In general, however, it was a national measure.

The efforts to extend health work to venereal diseases came during the war.<sup>6</sup> The central authority assumed 75 per cent. of the financial burden. This, and many of the other health measures, shade so imperceptibly into

<sup>1</sup> Cf. p. 366.

<sup>2</sup> Prior to 1911 some authorities had introduced voluntary notification, and a few (led by Sheffield) had made such notification compulsory. The L.C.C. had been given power (1907) to stop the supply of milk from tuberculous sources. Dispensaries were becoming frequent. (Bannington, *Public Health Administration*, p. 196.)

<sup>3</sup> *Report, Local Government Board*, 1914, Pt. iii (Cd. 7611, 1914), p. xxvii f.

<sup>4</sup> Milk and Dairies (Consolidation) Act 1915. For the preceding, cf. Bannington, pp. 203, 174, 191.

<sup>5</sup> In the event of sickness in a locality being more than 10 per cent. over the average, if due to bad housing or insanitary conditions, the local authority may be liable for excess insurance payments. (Cf. Bannington, p. 117 f.)

<sup>6</sup> A Royal Commission had been appointed in 1913, under pressure of medical representations. (Morris, *Public Health*, pp. 135 ff.)

the category of social welfare functions, that they serve to illustrate the interlocking or grouping of functions and the expansive quality of public 'health'.

The post-war period in health work was quite significant. True to the prevailing spirit, a way was found to consolidate the national work by the creation of a Ministry of Health in place of the old Local Government Board. To it were transferred related powers from other departments.<sup>1</sup>

Local administration and powers seem to have become increasingly confused. As new powers and duties had been added, there had arisen lack of co-ordination—particularly in the more recent years, when Parliament was out of touch with the local government. Each problem was more or less isolated, and hence the result was an unconsolidated accretion.<sup>2</sup> On at least five occasions during the period the Association of Municipal Corporations brought this to the attention of the government, but with no result.<sup>3</sup> Several duties were imposed without the consent of many of the localities; and there was also complaint that the increasing powers of the central department were rendering difficult, if not impossible, the organization of a comprehensive local programme.<sup>4</sup>

<sup>1</sup> Ministry of Health Act 1919. Cf. Morris, *Public Health*, p. 151. Powers transferred included: (a) Local Government Board powers, (b) Insurance Commissioners and Welsh Insurance Commissioners, (c) Board of Education powers concerning maternity and child welfare, children under five years not attending recognized schools, school medical inspection, (d) Midwives Act, (e) Infant life protection under Part I of the Children Act 1908 (from Secretary of State), (f) (1920) Home Office control of lunacy.

The corresponding Act for Scotland was the Scottish Board of Health Act 1919.

<sup>2</sup> Bannington, *Public Health Administration*, p. 30, and Introduction (Wallas); Morris, *Public Health*, p. 52.

<sup>3</sup> *Association of Municipal Corporations, Minutes, Annual Meeting*, 1900, p. 23. *Annual Reports*, 1901-2, p. 54; 1903, p. 7; 1905, p. 52 f.; 1921, pp. 51 ff.

<sup>4</sup> Hoblicouse, 'Local Government and State Bureaucracy', in Harris, *Problems of Local Government*, p. 401.

Unlike the United States, where popular education in hygiene was by this time bearing fruit in local action, the major new efforts in England revealed an impetus largely central. In the case of virtually all of the more important recent measures, it had seemed necessary to purchase local compliance through a grant.<sup>1</sup> The contrast with the origin in local option of a health measure such as prohibition will instantly occur. Slowly and surely this method of local freedom seemed to be showing greater ultimate effectiveness in advancing the cause of public health, as the death rates of the two countries had become approximately equal. Whereas in 1900 the American rate was 17.6 and the English (1901) 17.1; in 1910-11, 15.0 and 14.8 respectively; in 1919-21, the American rate was 12.5 and the English 12.7.<sup>2</sup> First, educate the individual, then the community; then, after local effort has done substantially what it can, organize on a state or national scale.

§ 15. *Housing and town planning.* The powers over housing already granted the municipalities early proved themselves inadequate to deal with congestion and slum conditions.<sup>3</sup> In addition, the closing years of the first decade witnessed a growth in interest in town planning, for which no powers at all had been granted, save to Liverpool in 1908 by Private Act.<sup>4</sup> Under pressure of the Association of Municipal Corporations<sup>5</sup> the Housing and Town Planning Act was passed in 1909. But a

<sup>1</sup> Tuberculosis, maternity and child welfare, venereal disease, welfare of the blind, school medical service.

<sup>2</sup> Data from *World Almanac*, 1923, pp. 356 ff.; Perris, *Industrial History of England*, p. 582.

<sup>3</sup> For activity of London County Council, cf. Harris, *London*, p. 73 f.; for Liverpool, cf. Muir, *Liverpool*, p. 327 f.

<sup>4</sup> Liverpool Corporation (Street and Buildings) Act 1908.

<sup>5</sup> *Annual Report, Association of Municipal Corporations*, 1908, pp. 71 ff. Public interest had been aroused by the activities of the Garden Cities and Town Planning Association, formed in 1899 under the inspiration of Ebenezer Howard.

renewal of the habit of distrust of local independence of action, and its converse, a belief in the expediency of centralized control by the Local Government Board, were sufficient to cause the inclusion of so many central checks and supervisory elements as effectually to negative the local impulse that called the Act into being, and to allow central modification at will. Not until three and a half years later was the first town planning scheme approved.<sup>1</sup>

Over the United States as a whole, the housing crisis was never quite as severe as the one in England; yet in certain of its cities—notably New York—the problem was fully as acute.<sup>2</sup> The economic aspects of the problem (such as the intimate connection with the rating system, monopolistic practices by the contractors, effects of the Rent Restriction Act, the aspect of municipal trading) are best reserved until the entire question can be surveyed in juxtaposition with American experience.<sup>3</sup> The history of the other aspects is more or less familiar.<sup>4</sup> By the end of 1913, under sec. 15, 17, 18 of the 1909 Act, 194,668 houses had been made more fit for habitation, and 47,105 ordered closed or demolished. At the same time loans had been sanctioned for only 6,355 new houses, of which only about 1,291 had been built.<sup>5</sup> Private enterprise fell off with a remarkably close parallel to the rising rates,<sup>6</sup> yet it still provided 95 per cent. of the working class

<sup>1</sup> Bannington, *Public Health Administration*, p. 237 f.; Nettlefold, *Practical Town Planning*, pp. 136, 149.

<sup>2</sup> Cf. p. 307.

<sup>3</sup> Cf. p. 455.

<sup>4</sup> Cf. Clarke, *Housing*; Reiss, *Home I Want*; Chamberlain, 'Government in Birmingham', in *Political Quarterly*, No. 1, Feb. 1914, p. 113 f.; *ibid.* 'Reviews', pp. 183, 404 ff.; No. 3, Sept. 1914, 'Reviews', p. 196 f.; No. 4, Dec. 1914, pp. 219 ff.; No. 7, March 1916, pp. 177 ff.

<sup>5</sup> Data from pp. 782-807 of *Municipal Year Book* of 1914 (somewhat incomplete); *Political Quarterly*, No. 7, March 1916, 'Reviews', pp. 175 ff.; *ibid.* No. 1, Feb. 1914, p. 184 f., quoting *Local Government Board Memo.* (Cd. 7206, 1914). Cf. also Nettlefold, *Practical Town Planning*, p. 136.

<sup>6</sup> Cf. Appendix E.

houses.<sup>1</sup> In 1912 the shortage was estimated at 120,000.<sup>2</sup> With the exception of homes for munition workers, government and private building alike ceased during the war. The end of the war brought the housing question to the front as one of the major problems of reconstruction. The Housing Panel of the Ministry of Reconstruction estimated that, owing to the suspension of building, the war had resulted in a further shortage of 300,000 houses, and a total need of 800,000 throughout Great Britain.<sup>3</sup> High costs and rates and the Rent Restriction Act seemed to make building through private enterprise hopeless, and economic rents impossible. This problem, like others, was approached on a national scale. The local authorities were to be the agents of the central department—and the latter was to pay all losses save the produce of a 1d. rate on 'approved' schemes.<sup>4</sup> Even though the 190,000 houses built were insufficient to meet the normal new demand,<sup>5</sup> the expense was so great that, in common with other projects, this was abandoned—the problem unsolved—and there remained for future generations of taxpayers a legacy of over £10,000,000 annual expense, together with a 1d. rate for the majority of local authorities.<sup>6</sup> The successful passing

<sup>1</sup> Reiss, *Home I Want*, p. 48.

<sup>2</sup> *Ibid.*, quoting the Land Inquiry Committee.

<sup>3</sup> *Ibid.* p. 10. For good *résumé* of the post-war period, cf. Eager, 'England's National Housing Scheme', in the *National Municipal Review*, Mar. 1923. Scottish conditions showed the evil in an exaggerated form (Reiss, p. 13). For the terrible conditions in Dublin, even in pre-war days, cf. 'Reviews', *Political Quarterly*, No. 1, Feb. 1914, pp. 204 ff.

<sup>4</sup> 75 per cent. of the cost, when 25 per cent. of the cost did not exceed a 1d. rate in the local area.

<sup>5</sup> Between 1900 and 1909 there had been a total increase in the number of houses built of 1,095,377, or an average of 109,538 a year in England and Wales, and 100,165 (average 10,017) in Scotland (Sir Alfred Mond, in the H.C., July 3, 1922; quoted in *The Ratepayer*, Aug. 1922, p. 166).

<sup>6</sup> *First Interim Report of Committee on National Expenditure* (Cd. 1581, 1922), p. 130.

of the crisis in the United States forces the conclusion that some part of its solution—(1) reliance on private enterprise, (2) tax exemption for a period of years, (3) its rating system, (4) prosecution of monopolies, or (5) the absence of rent restriction (or all five)—contains the key to a similar solution in England.<sup>1</sup>

It will be recalled that the town planning powers of the 1909 Act were in response to the demands of the Association of Municipal Corporations. Similar efforts were made by American cities, and powers were also conferred upon them—but without the imposition of central supervision. The 'red tape' of the Local Government Board, which had reserved powers to itself at every step in the Act, had been such that as late as 1914 only three schemes (by 1917, seven schemes) were actually approved, though authorization had been granted to eighty-three other authorities for preparation of schemes.<sup>2</sup> Certain phases of the original Act, which had been badly drawn, were remedied in 1913-14, notably through the addition of a provision 'binding' the land immediately upon decision to prepare a scheme. Failure to do this in the original Act had resulted in land speculation or hasty building and over-crowding.<sup>3</sup>

True to the prevailing spirit of nationalism, town planning was resumed at the close of the war; and under

<sup>1</sup> If the history of a single city (Bristol) be considered, further light is shed on the problem. The average annual building, 1901-1908, of houses of £26 per annum and under was 786. Between 1909 and 1913 the average had fallen to 132, showing the pre-war shortage. Between 1914 and 1918 the average fell to 36. By January 1, 1923, there had been erected 761 houses by the corporation, 58 by contract, and 73 by private enterprise (all prices)—or little, if any more, than a normal year. Allowing five persons per house this left a shortage of 5,036 houses, compared with 74,666 built (Interview, Housing Dept., Bristol).

<sup>2</sup> 'Reviews', *Political Quarterly*, No. 7, March 1916, p. 179; Reiss, *Home I Want*, p. 107. On the other hand, the Board took a leading part in bringing together for a town planning conference, representatives of Greater London authorities (*Political Quarterly*, No. 1, Feb. 1914, p. 208 f.).

<sup>3</sup> 'Reviews', *Political Quarterly*, No. 3, Sept. 1914, pp. 196 ff.

the 1919 Act was made compulsory on all cities, inasmuch as the extent of local effort had not been re-assuring.<sup>1</sup> The schemes were to be prepared locally, and were subject to the approval of the Ministry of Health. The process of their preparation revealed how strongly the tendency toward centralization was setting in. The local authorities were obliged to consult the central office at almost every step. At the same time there was little question that the carrying out of the Act to its conclusion would cause the future development of British cities to be planned more quickly and better than those of America, where action was still (1924) not universal among the cities.

§ 16. *Municipal trading.* Municipal trading was virtually the sole local function free from a large degree of central supervision. Outstanding debt for this purpose increased from £115,964,000 (1894-5) to £284,148,000 (1907-8).<sup>2</sup> This raises the interesting question whether it was not more than a coincidence that among the city's functions municipal trading usually occupied the undisputed central place. Furthermore, memberships on the committees managing the great trading enterprises were often the most eagerly sought. For example, in 1922, in Birmingham 40 per cent. of the members of Trading Committees were aldermen, as compared with 13 per cent. of other committees. In Leeds the corresponding figures were 38 per cent. and 14 per cent. In Bradford—where the members were allowed to choose their committees—the figures were 36 per cent. and 18 per cent. On the other hand in Glasgow, where the figures were 22 per cent. (bailies) and 23 per cent., and in Liverpool, where they were 15 per cent. and 18 per cent., this factor does not seem to have entered.<sup>3</sup> The debts of various British cities for municipal trading (1909) and the percentage of

<sup>1</sup> Purdon (Edit.), *Town Theory and Practice*, p. 9. Housing and Town Planning Act 1919.

<sup>2</sup> Knoop, *Municipal Trading*, p. 96.

<sup>3</sup> *Year Books*, 1922-3; Birmingham, pp. 26 ff.; Leeds, p. 14; Bradford, pp. 109 ff.; Glasgow, p. 45; Liverpool, pp. 60 ff.



the whole debt were as follows: Birmingham, £17,728,000 (80 per cent.); Bristol, £8,760,000 (76 per cent.); Manchester, £22,981,000 (71 per cent.); Sheffield, £9,873,000 (63 per cent.); Bradford, £8,723,000 (63 per cent.); Liverpool, £16,002,000 (61 per cent.); Leeds, £13,157,000 (55 per cent.); Hull, £3,753,000 (32 per cent.).<sup>1</sup> As in the United States, the municipalization movement did not pass unchallenged, and discussions were vigorous.<sup>2</sup> Two Joint Select Committees sat on the subject, but came to no conclusion as to the merits of the general policy.<sup>3</sup> By 1910 this seems to have been settled in the affirmative, as far as activities already municipalized were concerned;<sup>4</sup> and discussion was mostly confined to particular cases which represented more or less new departures—at that moment, municipal housing. The only major set-back came in London in 1907, when financial disaster in the municipal steamboat service was the last of a series of events leading to the defeat of the Progressives.<sup>5</sup> The movement for municipal telephones was checked through government purchase of the National Telephone Company.<sup>6</sup> Municipalization had proceeded far enough, and Parliament had been sufficiently reserved in its more recent grants to private companies;<sup>7</sup> so that the English attitude toward public

<sup>1</sup> Knoop, p. 98.

<sup>2</sup> For the history of municipal trading during the period, cf. Knoop, *Municipal Trading*.

<sup>3</sup> *Serial No. 305, 1900 (Parl. Papers, vol. vii)*; Cd. 207, 1903.

<sup>4</sup> In this connection, cf. discussion *re* municipalization of Bristol tramways in 'Reviews', *Political Quarterly*, No. 3, Sept. 1914, p. 194. Cf. also government aid granted by the Development Commission in certain instances to local authorities aiding in the promotion of the economic development of the Kingdom. ('Reviews', in *Political Quarterly*, No. 5, Feb. 1915, p. 197 f.)

<sup>5</sup> Harris, *London*, p. 77; Howe, *British City*, p. 213.

<sup>6</sup> Telephone Transfer Act 1909. Cf. *Municipal Glasgow*, p. 4.

<sup>7</sup> Cf. p. 227. Yet, according to Harris, *London*, p. 123 f., the provisions for compensation under the municipalization of London water supply were inserted at the behest of the companies and were excessive.

utilities had in it far less of the militant, anti-monopolistic tone than had the American attitude. In general, the local point of view was accorded recognition when grants to private companies were involved.<sup>1</sup> The chief evil seems to have been the necessity, on occasion, of spending large sums of money to oppose such private bills.<sup>2</sup> Between 1901 and 1906 the twenty-eight metropolitan borough councils spent £62,089, and (1903-6) the London County Council £33,066 for this purpose.<sup>3</sup>

At the close of the war the activities in housing and town planning dominated municipal trading in the eyes of the public, almost to the exclusion of the other and older forms. These latter, however, enjoyed a normal growth except such as were affected by the war. During the reconstruction years there were passed a series of Acts designed to simplify procedure in acquisition of utility projects or to clarify and supplement central control over rates, quality of service, etc.<sup>4</sup> This latter development parallels somewhat the growth of the American state public utility commissions.

Aside from the activity in housing, there was little new. Birmingham's action in opening a municipal bank was exceptional, but was a sign that the path of experiment was still open.

<sup>1</sup> Cf. Knoop, *Municipal Trading*, p. 27; *Annual Reports, Assoc. of Municipal Corporations*, 1919, pp. 30, 31; 1920, p. 71.

<sup>2</sup> Resolution passed at the Annual Meeting of the Association of Municipal Corporations, 1908, p. 55, 'That the very large expenditure in connection with opposition to private bills... calls for serious consideration'.

<sup>3</sup> Knoop, *Municipal Trading*, p. 39.

<sup>4</sup> Ministry of Transport Act 1919; Electricity (Supply) Act 1919; Gas Regulation Act 1920. For particulars of the first named, cf. Clarke, *Local Government*, pp. 51 ff., 167 ff. The Ministry of Transport was to concern itself with railways, light railways, tramways, roads, harbours, etc. In 1921 power to local authorities to increase water charges was made subject to consent of Ministry of Health. Tramway fares were subject to approval of Ministry of Transport. The Electricity Commissioners set up in 1919 under the Ministry of Transport were given even wider powers of control.

§ 17. *Social welfare.* In Great Britain social welfare expressed itself in the expansion of existing functions rather than, as in America, in emphasizing the problem of welfare as a unit with its own department. In 1908 the London County Council obtained power to appoint health visitors, subject to Local Government Board regulations prescribing qualifications, mode of appointment, salaries, duties, and tenure.<sup>1</sup> Thus the child welfare movement was from the start closely identified with central control. The first grants generally available came in 1914. The Maternity and Child Welfare Act of 1918 and the Education Act of the same year were designed to mark a continuous care of the child by the state from birth and before, up to the age of eighteen. Like the other Acts of the period the first named was centrally imposed,<sup>2</sup> and control assured by means of a grant. Usually the local maternity and child welfare committee was a sub-committee of the public health committee—for much of the inception of the movement was due to the disproportionately high infant mortality rate. Such work as the localities did in the way of providing recreation also tended to be grouped with the public health or educational functions.<sup>3</sup>

The educational function gathered to itself a number of welfare activities—largely optional—to meet the demands of the voluntary societies in the more progressive cities. Provision was thus made for vocational guidance, after-care committees, play centres, camps, nursery schools, etc.<sup>4</sup> By 1917 sixty-eight out of eighty-two county boroughs were providing meals for school children.<sup>5</sup> In education, as in health, the aim was to allow

<sup>1</sup> Cf. Bannington, *Public Health Administration*, p. 89.

<sup>2</sup> During 1916-1917 the leaders of the Association of Municipal Corporations had pressed for powers in the matter (*Annual Report, A.M.C.*, 1916-1917, p. 116).

<sup>3</sup> e.g. Education (Administrative Provisions) Act 1907.

<sup>4</sup> Education Act 1918.

<sup>5</sup> Morris, *English Public Health*, p. 96.

the locality considerable freedom in framing its programme; but, by means of the grant-in-aid,<sup>1</sup> to retain the power of guidance in the hands of the central department. Many of these new services mark a curious union between the paternalistic care of the state in its assurance of a minimum of conditions of existence, and the more democratic motive of assuring equality of opportunity.

The Poor Law continued to drift. Such changes as occurred were a piecemeal modification along contradictory lines of the 1834 principles.<sup>2</sup> Evidence of the disastrous effects had become so great by 1905 that a Royal Commission was appointed to consider the problem. Both the majority and minority reports confirmed the opinion of approaching breakdown, and both denounced the boards of guardians as inherently unsound.<sup>3</sup> But both—and the legislation of the decade as well—showed the very definite paternalistic colour that humanitarianism had assumed. Broadly speaking, the direction in which England was moving was to hold an individual responsible for his support only during the period in which he was earning. Old age was to be cared for by pensions (1908);<sup>4</sup> unemployment was to be tided over by 'distress committees' (1905)<sup>5</sup> (later, by 'doles' or insurance); sickness was to be relieved in general hospitals, which the poor were encouraged to make use of,<sup>6</sup> and its costs generalized through health insurance (1911); meals were to be provided in the schools for children.<sup>7</sup> The economic and social implications of such a policy will be

<sup>1</sup> Cf. detailed 'Regulations for Evening Play Centres'—Board of Education (Cd. 8730, 1917-18).

<sup>2</sup> Cf. Webb, *English Poor Law Policy*, pp. 257 ff.

<sup>3</sup> *Report of the Royal Commission on the Poor Laws* (Cd. 4499, 1909). Cf. particularly pp. 104 ff., for breakdown of guardians.

<sup>4</sup> Old Age Pensions Act 1908.

<sup>5</sup> Unemployed Workmen Act 1905. Only London might provide work.

<sup>6</sup> Webb, *English Poor Law Policy*, p. 219.

<sup>7</sup> Education (Provision of Meals) Act 1906.

reserved for future discussions,<sup>1</sup> when they can better be contrasted with the American efforts to foster self-reliance. Yet instances such as the Small Holdings and Allotments Act (1908) showed the continued existence of a counter-current to paternalism.

The approaching chaos in poor law administration grew worse during the war, through the creation of further rival authorities to the boards of guardians, in the form of Local Committees for the Prevention and Relief of Distress.<sup>2</sup> Nor was the problem attacked in the inflation days following the close of the war. Thus when the crisis came, and unemployment and suffering followed, the existing machinery proved wellnigh incapable of adequately handling the situation. The needs of the moment seemed so pressing, that comprehensive reform in the midst of the crisis was felt to be impossible. There was seemingly nothing to do but to wait for better days. As early as 1918 the Committee on the Poor Law appointed by the Ministry of Reconstruction reported in favour of a plan, the essential basis of which was the same as that of the Minority Report of 1909.<sup>3</sup> It called for the abolition of the boards of guardians, and the distribution of their functions among suitable agencies. The Insurance Acts had already removed from guardians' jurisdiction much of the care of the sick and the unemployed. Even the workhouse had largely developed into an infirmary, and the use of the poor law hospitals was now by no means confined to the very poor. Adequacy of relief had been emphasized, and there had been many attempts to remove the old 'stigma'. The great breakdown of the 'workhouse test' came through sympathy

<sup>1</sup> Cf. p. 464.

<sup>2</sup> Cf. Heath, 'War and Unemployment', in *Political Quarterly*, No. 5, Feb. 1915; 'Reviews', *ibid.* No. 8, Sept. 1916, p. 164 f.

<sup>3</sup> Cd. 8917, 1917-18. Cf. pp. 3 ff. 'There are . . . seven different public authorities giving money in the home. . . . At least six are providing various forms of medical treatment. Three are giving educational training.'

with the discharged soldier, so that many boards abandoned the attempt to discriminate.<sup>1</sup>

It is too early to speak with authority upon the operation of the machinery in the unemployment crisis; but it seems clear that it has been far from satisfactory, particularly in the matter of demarcation between the operation of the unemployment insurance and the traditional poor law relief. Further than this there was a great discrepancy in local burdens (to a large extent accounted for by guardians' relief), ranging from a rate of 34s. 7d. in Ebbw Vale to 5s. 11d. in Bromborough<sup>2</sup>—and the financial position of many unions became precarious.<sup>3</sup> The borough councils themselves, through the provisions for unemployment, often assumed the aspect of relief agencies. The great difference between the crisis in England and the similar one that had just passed in the United States, seemed to be that in the latter country, for the most part, individual savings were sufficient to tide over the period of unemployment. There were no 'doles', and the amount of relief furnished by the cities or voluntary agencies was comparatively small.<sup>4</sup>

#### THE TREND OF MUNICIPAL LIFE

§ 18. *Local civil service.* Before leaving the consideration of the functions, a few more general observations may be made. Further efforts, local and central alike, were directed toward improvement of the character of the civil service.<sup>5</sup> From the point of view of the central government, this took the form of an extension of powers of the departments over appointment or dismissal of the local officials—the aim being greater security of tenure.

<sup>1</sup> Interviews—Ministry of Health—various.      <sup>2</sup> Cd. 1633, 1923.

<sup>3</sup> e.g. Barrow, which in August 1922 had an overdraft of £60,000, with the bank refusing to extend further credit (*The Ratepayer*, August 1922, p. 171).

<sup>4</sup> Cf. pp. 309, 461.

<sup>5</sup> Instances of gross favouritism seem to have been rare. For Dartmouth, cf. Bannington, *Public Health Administration*, p. 63.

For example, the Public Health (Officers) Act 1921 makes the consent of the Ministry of Health necessary for the removal of full-time medical officers of health and of inspectors of nuisances.<sup>1</sup> On the whole, such vetoes of local action as occurred seem to have been on sound lines.<sup>2</sup> Both in parliamentary and local action there were extensions of provision for retirement, superannuation, pensions, etc.<sup>3</sup> It was felt that it would thus be easier to discharge men who were past the age of usefulness. At the same time, the city could offer very definite prospects to men entering the municipal civil service. Locally, and through the National Association of Local Government Officers, there was further work done in the way of civil service examinations and the development of sound methods of promotion.<sup>4</sup> The municipal service

<sup>1</sup> Other extensions occurred in the case of the approval of Health Visitors (London). Under the Ministry of Transport Act 1919, sec. 17 (2), a grant was made available in recognized cases of half the salary and establishment charges of an engineer and a surveyor. (Cf. Clarke, *Local Financial Accounts*, p. 3.) In many instances, such as the medical officer of health and the inspector of nuisances, the Local Government Board's consent was necessary for alteration of salaries. (Robinson, 'Adulteration of Food', in Harris, *Problems of Local Government*, p. 284.)

<sup>2</sup> Grants for salaries of local medical officers of health were denied in eighteen cases in 1913, for the following reasons: Inadequate salary (4); officer unsatisfactory (3); appointment of new incumbent, instead of reappointment of efficient officer (3); appointment of a former member of the council (4); insufficient time devoted to duties (1); appointment of more than one incumbent (1) (Bannington. *Public Health Administration*, p. 64, quoting *Forty-Second Report of Local Government Board, Part III*, p. xli). A circular of the Board of May 3, 1911, stated that the appointment would not ordinarily be sanctioned of any official (poor law, etc.) who has within twelve months been a member of the board making the appointment (Bannington, p. 63).

<sup>3</sup> Police Pensions Act 1921; School Teachers' Superannuation Act 1918. More liberal powers extended for police pensions in 1906, 1908. A comprehensive Local Government Officials' Superannuation Act was passed in 1922.

<sup>4</sup> Bannington, *Public Health Administration*, p. 104 f. Collins, 'Local Government Finance', in Harris, *Problems of Local Government*, p. 283, points out the development of similar examinations by the Institute of Municipal Treasurers and Accountants, Inc. Cf. also Harris, p. 114.

had come to be considered in the nature of a life work in England, at a time when many American cities had not yet emancipated themselves from the spoils system—to say nothing of having achieved any idea of real permanence of tenure.<sup>1</sup>

§ 19. *Declining calibre of the council.* It will have been noticed how much of the forward-looking work had grown to be central in its origin.<sup>2</sup> While this apparently led to large and striking progress on a national scale, it meant at the same time a transfer of discretion and responsibility from the local councils. Such a transfer was accompanied by a steady decline in the calibre of the council. In Liverpool, Leeds, and Birmingham the 'Public Service Group' declined from 31·9 per cent. in 1900 and 30·5 per cent. in 1910 to 24·7 per cent. in 1922. Of these the number of manufacturers and men of large commercial interests fell from 23·1 per cent. in 1910 to 13·7 per cent. in 1922.<sup>3</sup> Such a tendency was somewhat compensated by the new outlook furnished by women councillors. If Glasgow, Bolton, Bradford, and Oldham be added to the three cities mentioned, the composition of the councils in 1922 would appear to be 'Public Service Group', 23 per cent.; 'Unsubstantial', 25 per cent.; 'Artisans and Labour', 17 per cent.; Merchants, professional, etc., 29 per cent.<sup>4</sup>

§ 20. *Lessening of popular interest.* Coincident with the decline in the calibre of the council came an apparent lessening of popular interest in municipal government. Even in the '70's and '90's there had not been the degree of popular participation that prevailed in American cities. The study of the several functions revealed the tendency to transfer the discretion from the local authority to the central departments, and a decline in the type of council-

<sup>1</sup> Bannington, p. 68, etc., complains that the tenure of the local medical officer of health was not always secure.

<sup>2</sup> Cf. p. 349.

<sup>3</sup> Cf. Appendix B, for details and basis.

<sup>4</sup> Cf. Appendix B.



lor accompanied this transfer. Similarly the percentage of the electorate who were sufficiently interested to vote grew smaller.<sup>1</sup> In Leeds, the two elections of 1901 and 1902 averaged 69.5 per cent. of the electorate; 1903-5, 66.2 per cent.; 1906-8, 64.3 per cent.; 1909-11, 61.8 per cent.; 1912-13, 58.9 per cent. Omitting the abnormally low years of 1919 and 1920, the elections of 1921 and 1922 averaged only 51.0 per cent.—a consistent decline from the opening of the century. In Bristol, the corresponding figures were: 1901-2, 50.5 per cent.; 1903-5, 59.7 per cent.; 1906-8, 60.1 per cent.; 1909-11, 49.7 per cent.; 1912-13, 52.9 per cent.; 1921-2, 46.7 per cent.—a fluctuating record, yet for the last eighteen years—when the growth of centralization was most marked—also a marked decline.

§ 21. *Decline of initiative.* Of a similar nature was the passing of the initiative from the local to the central authority, which was revealed in the steady increase in the percentage grant necessary to induce the locality to adopt a new function on an extended scale. In 1913-14 the locality bore 53 per cent. of the education expenditure; in 1918-19, 52 per cent.; in 1921-2, 39 per cent.<sup>2</sup> Till about 1910 new departures in public health were usually adopted voluntarily by the cities, and there was very little use of the subsidy: but thereafter the grant for tuberculosis was 50 per cent.;<sup>3</sup> for maternity and child welfare, 50 per cent.;<sup>4</sup> for venereal disease, 75 per cent.;<sup>5</sup> for housing, 75 per cent., or all above a 1d. rate.<sup>6</sup> In 1923 it was found necessary to promise local authorities 75 per cent. of

<sup>1</sup> Data from Leeds *Year Books*—1915, 1922-3; Bristol *Times and Mirror*, clippings on file in the Bristol Town Clerk's office. Cf. Appendix F, for data from certain other cities.

<sup>2</sup> *First Report of Committee on National Expenditure* (Cd. 1,581, 1922), p. 107.

<sup>3</sup> *Report, Local Government Board*, 1914, Part III (Cd. 7611, 1914), p. xxvi.

<sup>4</sup> Clarke, *Local Government*, p. 162. These and the following grants were non-statutory.

<sup>5</sup> Morris, *Public Health*, p. 138. <sup>6</sup> Reiss, *Home I Want*, p. 61.

the cost of centres for unemployed juveniles. By 1925 this was increased to 100 per cent. While grants represented only 22·8 per cent. of the total rates and grants in 1904, and 25 per cent. in 1910; in 1920 the percentage had grown to 31.<sup>1</sup> How much of this apparent transfer of initiative was due to a genuine financial stringency, how much to weakened civic spirit, must be left for later consideration.<sup>2</sup>

Moreover, the cities came to be increasingly on the defensive, when extension of their duties was under consideration. There was a more frequent recurrence in literature, resolutions, discussions, etc., of talk of expenditure *forced* upon the localities by the central government for 'delegated powers'.<sup>3</sup> This attitude of mind contrasted strikingly with the eagerness of American cities to expand the very functions complained of as *onerous* by the British cities. The genesis of such an attitude will appear more clearly when the courses of finance and central-local relations are traced.<sup>4</sup>

During the three years, 1900-2, the Association of Municipal Corporations consistently sought wider powers, more flexible procedure, and longer terms for loans—in order to expand municipal activities. There was not a single resolution passed designed to escape either a duty or the cost of it. Three times the Association moved for extension of municipal trading; four efforts were made for further health, police, or education powers. Other subjects with which it concerned itself included ease of land acquisition, simplification of private bill procedure,

<sup>1</sup> *Memo. on Increase in Local Rates* (Cd. 1016, 1920), p. 5; *Minutes of Evidence, Royal Commission on Local Government*, Part I, 1923, p. 211.

<sup>2</sup> Cf. p. 589.

<sup>3</sup> Collins, 'Local Government Finance', in Harris, *Local Government*, pp. 213 ff.; *Report, Royal Commission on Local Taxation*, (Cd. 638, 1901), p. 11; Webb, *Grants in Aid*; Row-Fogo, *Reform of Local Taxation*, p. 11, etc.; Grice, *National and Local Finance*, p. 289, etc.

<sup>4</sup> Cf. pp. 394, 406.

valuation reform.<sup>1</sup> In 1911-13 the character of its activity had suffered a significant change. On ten occasions an increase in subsidy was sought. Objection was twice raised to the imposition of a duty. On six occasions action was taken to safeguard municipal trading and municipal interests in grants to private companies. Other defensive measures were protests against cost of annexations, against appointment of Housing Commissioners and of a National Council of Education. The powers requested included control of street trading, supply of electric fittings, wider control of water supply, and inspection of milk and dairies.<sup>2</sup>

In 1920-2 the Association opposed conversion into a duty of local provision for tuberculosis patients, and favoured withdrawal from the Whitley Council scheme. It made four requests for further central grants, four protests against extension of central control, five moves to safeguard threatened local rights. It requested powers to raise charges for baths and washhouses, and quarrelled with the Association of County Councils over annexations. Extension of the scope of municipal activities was sought only in milk and dairy inspection and in provision of aerodromes.<sup>3</sup>

Hence an organization whose earlier purpose had been to facilitate activity, seemingly through a decline in civic energy or through threats of central encroachment, had changed to a scope almost wholly defensive.

§ 22. *Growth of voluntary effort.* Examples of the part played by voluntary agencies have appeared from time

<sup>1</sup> For the foregoing, cf. *Minutes, Annual Meeting, Association of Municipal Corporations*, 1900, pp. 22-24; 1901, pp. 29, 32; 1902, p. 38; *Annual Reports*, 1900, pp. 74, 75, 77, 78, 80 ff.; 1901-2, pp. 92-102.

<sup>2</sup> For the foregoing, cf. *Minutes, Annual Meeting, A.M.C.*, 1911, pp. 37-39; 1912, pp. 69, 70, 72; 1913, pp. 100-103; *Annual Reports*, 1911, pp. 91-95; 1912, pp. 120-124; 1913, pp. 50-52.

<sup>3</sup> For the foregoing, cf. *Minutes, Annual Meeting, Association of Municipal Corporations*, 1920, p. 25; 1921, pp. 60, 62; 1922, pp. 43-45. *Annual Reports*, 1920, pp. 69-72; 1921, pp. 48-51 ff.

to time.<sup>1</sup> In America their efforts were more confined to criticism and stimulus—actual participation often being rejected as ‘inefficient’.<sup>2</sup> However, Great Britain was seeing fit to associate voluntary effort with actual administration, believing that thereby something finer than efficiency would result.

Parliamentary legislation early foreshadowed this development—its first phase being the provision for co-option of committee members. In the case of the Education Committee, under the Act of 1902, this co-option was designed to assure the presence of specialists in education, such as the independently elected school boards had been able to obtain.<sup>3</sup> Similar co-option was allowed committees and sub-committees dealing with the majority of the social services which were developed during the period. These included libraries and museums, midwife regulation, distress, guardian relief, and (later) maternity and child welfare, venereal diseases, allotments, mental deficiency, pensions, insurance.<sup>4</sup> Few, if any, of the cities took advantage of the numerous co-option provisions to the extent permitted;<sup>5</sup> but their

<sup>1</sup> Cf. pp. 233, etc.

<sup>2</sup> Cf. p. 281.

<sup>3</sup> *Hans.*, vol. 105, p. 857 f.; 107, p. 838. It was not originally to be required that the majority be council members, and only a majority were to have been appointed by the council.

<sup>4</sup> Public Libraries Acts 1892 to 1901; Local Government Act 1894; Midwives Act 1902; Unemployed Workmen Act 1905; Small Holdings and Allotments Act 1908; Old Age Pensions Act 1908; Mental Deficiency Act 1913; National Insurance Act 1913; Venereal Disease Act 1917; Maternity and Child Welfare Act 1918. In Scotland such a use of outsiders existed in the Dean of Guild (building operations) (Atkinson, *Local Government in Scotland*, p. 47).

<sup>5</sup> In 1908 no board of guardians had used this power to its full extent; 16 boards co-opted 3 members; 120 co-opted 2 members; 82 co-opted 1 member; the rest (425 out of 643) did not use the privilege. The practice, moreover, was alleged to be declining (*Report, Royal Commission on the Poor Laws* [Cd. 4499, 1909], p. 100). In 1922-3 co-option was used in certain cities as follows: Leicester (*Year Book*, 1923, pp. 26 ff.)—Distress, Education (and further co-option for several of Education sub-committees), Small Holdings and Allotments (sub-committee of Estates), Maternity and Child Welfare (sub-committee of Health), Mental Deficiency, Museums and

consistent incorporation in later welfare legislation is significant.

A few of the Acts contained provisions whereby a group of citizens could originate action thereunder, and force a council to proceed further. This proved very helpful in assuring local public inquiry under the Housing and Town Planning Act of 1909.<sup>1</sup> Similar provisions were incorporated in the Education Act 1902; the Small Holdings and Allotments Act 1908; the Public Libraries Acts 1892 to 1901; and the Baths and Wash-houses Acts 1846 to 1899.

Since the early years of education it had been customary to use voluntary workers as managers of schools.<sup>2</sup> A more conscious use of the policy of associating voluntary bodies in administration was inaugurated in 1905, under the Unemployed Workmen Act. The subsequent extension of this policy ranks among the major developments in British city government. Being so largely a spontaneous growth, unchecked by considerations of logic, its development has necessarily been very uneven throughout the council; but there is no question that the policy is on the increase. In the years just before the war, the Local Government Board consciously fostered the movement.<sup>3</sup> The methods of Liverpool and of many other cities represent its greatest present development—where

Libraries; Sheffield (*Year Book*, 1923, pp. 122 ff.)—Distress, Maternity and Child Welfare (sub-committee of Health), Tuberculosis (sub-committee of Health), Welfare of the Blind (sub-committee of Health), Edward VII Hospital Committee, Libraries and Museums Committee, Mentally Defective, Education; Hull (*Year Book*, 1923, pp. 11 ff.)—Tuberculosis (sub-committee of Health), Maternity and Child Welfare, Mentally Defective, Allotments, Care of the Blind, Education, Public Libraries, Distress; Bolton (*Year Book*, 1922-23, pp. 14 ff.)—Education, Libraries, Small Holdings, Distress.

<sup>1</sup> A comprehensive survey of housing conditions in Birkenhead in 1923 was made under such a provision by the Beechcroft Settlement, and brought to the attention of the Borough Council.

<sup>2</sup> For one of the best efforts of this kind, cf. Graves, 'School Managers, their Duties and Privileges', Address, Liverpool, 1917.

<sup>3</sup> 'Reviews', *Political Quarterly*, No. 3, Sept. 1914, p. 176.

all such efforts have been correlated under a central Council of Voluntary Aid or Council of Social Service, on which the City Council is represented.<sup>1</sup> In 1915 a National Council of Social Service was formed, including among its functions service as a medium to correlate the similar local councils.<sup>2</sup>

The chief field of action was the welfare of children and young persons, in connection with care committees, vocational guidance, etc.<sup>3</sup> Birmingham, in 1914, had 173 School Care Committees with over 1,500 helpers.<sup>4</sup> The boards of guardians have frequently associated with them the Charity Organization Society, Salvation Army, Discharged Prisoners' Aid Society, and other similar organizations and workers. There has been an increasing amount of co-operation between local authorities and the voluntary hospitals.<sup>5</sup> This association with actual government was in addition to the stimulating and advisory activity of such bodies which had become common in both America and England.<sup>6</sup>

In the central departments dealing with local government the movement had a similar reaction. Consultative and Advisory Committees were set up for many phases of education, health, and welfare. Their activity was

<sup>1</sup> Cf. *Social Conditions in Provincial Towns*, No. iv, Liverpool, p. 14.

<sup>2</sup> Cf. Collins, 'Voluntary Social Service in Relation to . . . Statutory Authorities', before the National Council of Social Service, Oxford, April 8, 1920.

<sup>3</sup> Interview, Secretary, National Council of Social Service. Cf. Morris, *Public Health*, p. 12.

<sup>4</sup> Chamberlain, 'Government in Birmingham', in *Political Quarterly*, No. 1, Feb. 1914, p. 116.

<sup>5</sup> Cf. 'Co-operation of Voluntary Organizations with the Authorities', in Harris, *Problems of Local Government*, pp. 409-418. *Social Conditions in Provincial Towns*, No. iv, Liverpool, p. 8, calls attention to instances of co-operation between the sanitary inspectors and the Invalid Children's Association.

<sup>6</sup> Bannington, *Public Health Administration*, p. 313 f., records the number of national health-promoting associations as eighty-two, nineteen of which were general and the rest special—chiefly child welfare, housing, and temperance.

rather disappointing,<sup>1</sup> but they contain possibilities of leavening the central departments. The movement, both centrally and locally, would seem to represent not only a wholesome corrective to any tendencies toward officialism, but also a most hopeful means for expressing and arousing genuine local civic interest.

#### THE CRISIS IN FRAMEWORK

§ 23. *Overlapping functions.* As in America, the modern municipal life was proving a very complex thing—and for similar reasons. Functions could no longer be put into water-tight compartments. There had grown up a school medical service;<sup>2</sup> health and municipal trading united in housing projects; tramways, electricity, gas, and water mains furnished as many problems of tearing up streets; the crowning example of six different overlapping agencies dealing with the dependent classes has often been cited in treatises on local government.<sup>3</sup> A new and difficult situation was created by this functional growth. How this situation was met by British cities (and by Parliament) again brings out critical points of contrast with the American cities. The British form of city government, and the supremacy of Parliament in local matters, were entering upon a more severe test of their adequacy and soundness than any they had as yet experienced.

How did the framework of government meet the problem of complexity? First, there were the efforts in

<sup>1</sup> Interviews, Ministry of Health, Board of Education. However, a most valuable investigation on the function of intelligence tests has just been completed (1924) by the Consultative Committee of the Board of Education. Cf. *Report, Board of Education, 1920-1* (Cd. 1718, 1922), p. 8.

<sup>2</sup> Cf. Circular 596, Board of Education, Aug. 17, 1908.

<sup>3</sup> *Report of Royal Commission on the Poor Laws* (Cd. 4499, 1909). For story of development of these various agencies, cf. Webb, *English Poor Law Policy*, pp. 312 f., etc., Cf. also *supra*, p. 341, and footnote 1.

the locality itself to organize and to cope with the situation; second, the machinery created by Parliament for the same purpose. Each reveals illuminating contrasts with the United States. In general it would seem that the increase in functional activity—like the increase in the '70's in America—was somewhat too great for assimilation. The reasons were many.

§ 24. *Difficulty of co-ordination.* Internally there was a relative failure to deal adequately and in a large way with the great increase in duties. It will be recalled that America also faced this problem. The American city charter, being a sensitive thing, responded to it by seeking to make such adjustments as were possible to organize the work of the city on more up-to-date lines—chiefly through giving greater prominence to the executive.<sup>1</sup>

No such freedom for experiment rested with the British cities, and their basis of structure remained on substantially the same principles that served for the city government of fifty years earlier. Increase of functions was met by means of multiplication of committees and sub-committees. By 1923 fifteen committees were statutory.<sup>2</sup> Liverpool, Leeds, and Birmingham had forty-five committees in 1900 and fifty-eight in 1910, with 127 sub-committees. By 1922 there were seventy-one committees and 188 sub-committees in the three cities.<sup>3</sup> Glasgow in 1922 had forty-five committees (standing and special), which were sub-divided into seventy-five sub-committees; Sheffield had twenty-four, with ninety-one sub-committees.<sup>4</sup> The average councilman served on at least four committees, although Birmingham and Oldham

<sup>1</sup> Cf. pp. 107, 289.

<sup>2</sup> In practice some of these were usually sub-committees, e.g. the maternity and child welfare committee usually consisted of all or part of the health committee (*Royal Commission on Local Government, Minutes of Evidence, Part I, 1923, p. 176 f.*).

<sup>3</sup> Cf. Appendix C.

<sup>4</sup> Glasgow, *Year Book, 1922-3*, pp. 45 ff.; Sheffield, *Year Book, 1923*, pp. 122 ff.



virtually limited membership to two.<sup>1</sup> The number of committees and sub-committees presented two major problems—co-ordination and control. In Glasgow the police department prosecuted the tramways department for violation of ordinances—public money being used both for prosecution and defence.<sup>2</sup> The Manchester Council, as late as 1914, had been unable to agree upon the use to be made of the 'old infirmary site'—bought in 1903 at a cost of £400,000, and kept at an annual expense of £13,000 (for interest and sinking fund).<sup>3</sup> Not until very recently were the various committees dealing with the streets of Leeds able to co-operate with reference to digging.<sup>4</sup> The same difficulty of co-operation still holds true in London. The town planning committees seem to have been among the greatest sufferers, frequently finding themselves hampered by the tramways, housing, health, or park committees.<sup>5</sup> It is remarkable that matters have gone as well as they have, considering the inherent jealousy of prerogative of any official body.<sup>6</sup>

Birmingham has adopted perhaps the most successful means of securing an effective *liaison* between committees, by placing members of each related committee on the several committees. For example, the tramways and

<sup>1</sup> Oldham, *Year Book*, 1922-3, Standing Orders, No. 41, p. 33 (except Education and Maternity and Child Welfare); Birmingham, *Year Book*, 1922-3, pp. 26 ff. An examination of the *Year Books*, 1922-23, of twenty cities discloses four members as the usual number.

<sup>2</sup> Atkinson, *Local Government in Scotland*, p. 58. For Health and Police Committees' dispute *re* municipal lodging houses, cf. *ibid.* p. 55.

<sup>3</sup> Cf. Simon, 'Municipal Government in Manchester', Reprint from *Political Quarterly*, No. 2, May 1914, pp. 90 ff.

<sup>4</sup> Interview, Town Clerk's office, Leeds. The city now has a monthly meeting of department heads to overcome this difficulty. (Cf. *Report, Royal Commission on Government of London* [Cd. 1830, 1923], pp. 64, 143, etc.)

<sup>5</sup> Nettlefold, *Practical Town Planning*, p. 39.

<sup>6</sup> For Birmingham's difficulties, cf. Chamberlain, 'Municipal Government in Birmingham', in the *Political Quarterly*, No. 1, Feb. 1914, p. 111.

electricity committees, the bank and finance committees, the parks and public health committees are all so related. There are over thirty instances of such inter-representation, so that the Council's committees are literally knitted together. Its Lord Mayor, who usually serves at least two years, is one of the principal active agents in co-ordination.<sup>1</sup>

§ 25. *Difficulty of control.* The problem of control was more serious. The work of the city grew so that it was scarcely possible for a councilman to do more than maintain a degree of familiarity with the several committees of which he was a member.<sup>2</sup> Revelations following the Leeds strike were equivalent to a suggestion that the Council was incapable of managing its own affairs.<sup>3</sup> The Liverpool Council permitted its Housing Committee to give a contract for 2,000 houses to a company whose paid-up capital was only £3,000, and then to make an overpayment of £354,894 to this same company.<sup>4</sup> The Lord Mayor of Manchester writes: 'The belief that the Council cannot be relied on to arrive at sound conclusions on questions of policy causes a tendency on the part of at least some of the committees to try to carry on their work in such a way as to avoid as far as possible such control as the Council does now exercise.'<sup>5</sup> Lowell

<sup>1</sup> Interview, Clerk to the Council, Birmingham. Cf. Appendix G; cf. also Chamberlain, 'Municipal Government in Birmingham', in *Political Quarterly*, No. 1, Feb. 1914, p. 97.

<sup>2</sup> It is virtually impossible to prove, but one suspects from interviews that most of the difficulty of co-ordination and control arises, not from the inability of the committees to co-operate, but from a tendency of the permanent officials to become 'little autocrats' in their own sphere, and resentful of anything that savours of 'interference' by another official. Furthermore they appear (perhaps inevitably) to exaggerate the importance of their own department, and hence desire to expand it—without regard to cost.

<sup>3</sup> 'Reviews', *Political Quarterly*, No. 2, May 1914, p. 209 f.; *ibid.* Simon, 'Municipal Government in Manchester,' p. 101.

<sup>4</sup> Findings of Inspector, Ministry of Health. (*Liverpool Post*, Apr. 2, 1923.)

<sup>5</sup> Simon, 'Municipal Government in Manchester', in *Political Quarterly*, No. 2, May 1914, p. 96.

points out that there were 'not more than three cases a year where anything in the reports of committees of sufficient importance to attract the attention of the press, was amended or referred back'.<sup>1</sup> The council as a whole loses even its aspect of a reviewing body—to say nothing of any adequate attempt to co-ordinate or frame a large municipal programme. The custom of allowing a committee free hand within its own field has been on the increase, even to the extent of devolution of all save the rate-making power.<sup>2</sup> In the future, matters are apt to become worse rather than better, as municipal life becomes increasingly complex. The single possible co-ordinating official among the permanent officials—the town clerk—has nowhere been granted the status of an executive with power to reduce each department to its proper proportion. In its internal structure the British city is showing many signs of resemblance to the American city of about 1870, when it was governed by administrative boards.<sup>3</sup> Not until 1922 was there an instance (outside of London) of such a simple efficiency device as a purchasing agent. The project was discussed in Birmingham in 1917, and adopted by that city on July 4, 1922.<sup>4</sup> A few cities have adopted

<sup>1</sup> Lowell, *Government of England*, vol. ii, p. 196. Birmingham, about 1913, rejected two schemes of its Education Committee for increased salaries and extension of technical education (Chamberlain, 'Municipal Government in Birmingham', in *Political Quarterly*, No. 1, Feb. 1914, p. 113).

<sup>2</sup> For Sheffield, cf. Wilson, 'Municipal Administration in Sheffield', in *Political Quarterly*, No. 3, Sept. 1914, pp. 183 ff. At the July meeting (1923) of the Liverpool Council, one of the councillors, who criticized a certain plan of the Estates Committee, was reprimanded by the leader of the majority party for 'not having confidence in the Estates Committee'.

<sup>3</sup> Cf. p. 111.

<sup>4</sup> *Report of General Purposes Committee (Birmingham) to Council Meeting*, July 3, 1917; *Minutes of Council Meeting*, July 4, 1922, pp. 551-3. The L.C.C. since 1909 has had a 'Chief Officer of Stores' who performed a similar function (*Report of Council, L.C.C.*, No. 2038, p. 266). Leicester places a limited control of purchasing in its Finance Committee (*Year Book*, 1922-3, p. 62).

central purchasing of stationery and printing or of clothing.<sup>1</sup>

§ 26. *Efforts at internal remedy.* Many of the cities were conscious of these dangers, and some efforts were made to meet the situation. Since 1910 the number of general or co-ordination committees in Liverpool, Leeds, and Birmingham increased from four to ten.<sup>2</sup> Leeds appointed a commercial manager as the executive officer of the General Purposes Committee to co-ordinate the labour of the city.<sup>3</sup> Scotland, in the three-year term for its provosts, seemed to be seeking a solution in tacitly extending to them more of the directing power;<sup>4</sup> and Birmingham had a similar conception of the office of Lord Mayor.<sup>5</sup> Certain of the English cities constituted 'General Purposes Committees' (consisting usually of the chairmen of other committees), to perform this co-ordinating function.<sup>6</sup> Birmingham, in 1883, had been exempted from the provision of the Municipal Corporations Act which required the minutes of committees to be presented in full to the Council.<sup>7</sup> Rules of procedure were evolved whereby the clerk of the Council prepared summaries of these minutes so arranged that only the most important of them need form the subject of discussion by the Council.<sup>8</sup> By 1914 it had three co-

<sup>1</sup> Plymouth, Bradford, Oldham, Liverpool, etc. (Cf. *Year Books*, 1922-3.)

<sup>2</sup> Appendix C.

<sup>3</sup> Interview, Town Clerk, Leeds.

<sup>4</sup> Atkinson, *Local Government in Scotland*, points out this possibility.

<sup>5</sup> Chamberlain, 'Municipal Government in Birmingham', in *Political Quarterly*, No. 1, Feb. 1914, p. 97. Also interview with Clerk to Council, Birmingham, 1923. Birmingham's Lord Mayors are usually re-elected. Cf. Appendix N.

<sup>6</sup> Cf. Bradford, Instructions to Committees, No. 1, 4, 5, 6, 7, 8, 9 (*Year Book*, 1922-3, pp. 100 ff.), which constitute the Finance and General Purposes Committee the arbitrator and co-ordinator as well as the financial autocrat. This committee (which consists of the whole Council) has a sub-committee for co-ordination. (Cf. *ibid.* p. 117.)

<sup>7</sup> Birmingham Consolidation Act 1883.

<sup>8</sup> Interview, Clerk to Council,

ordinating committees: (a) Estate (to deal with sites, etc.), (b) General Purposes (matters other than financial, town planning [for a while], a central motor 'fleet', labour, private bills, etc.), (c) Finance (accounts, loans, annuities, stationery and printing, etc.).<sup>1</sup> It is too early to estimate the ultimate success of these devices of Birmingham and other cities. Other suggestions have been made—of a municipal manager,<sup>2</sup> of a longer term for the mayor, of reduction in the size of committees, of a general committee whose members are not on the other committees, of freeing the town clerk from routine, of a *Magistrat* or executive committee for administration.<sup>3</sup> There are elements of hope in each of these, if a city council could be persuaded so to reorganize itself—which is doubtful. The most hopeful plan would seem to be to allow the city a greater degree of flexibility in matters such as the size and constitution of the council itself—in other words, *home rule in charter making*.<sup>4</sup>

§ 27. *Renewal of the ad hoc.* It was not to be expected that parliamentary efforts would be more successful. The fact that measures were conceived largely with regard to their probable effect on the nation, tended to divorce such measures from a real appreciation of local government.<sup>5</sup> Thus at a time when American states were surrendering the problem of local framework to the cities for a 'home rule' solution, the British Parliament was proceeding to undo much of the simplicity in local government it had achieved in days when it was more in touch with the local view-point.

<sup>1</sup> Chamberlain, 'Municipal Government in Birmingham', in *Political Quarterly*, No. 1, Feb. 1914, pp. 100 ff.

<sup>2</sup> *Municipal Glasgow*, p. 7, D. M. Stevenson: 'To co-ordinate, minimize friction, expedite, prevent overlapping and duplication'.

<sup>3</sup> City Councillor (Simon), 'Reconstruction in Local Government', in the *Athenaeum*, April 1918, p. 181; Simon, 'Municipal Government in Manchester', Reprint from *Political Quarterly*, No. 2, May 1914, p. 103 f.

<sup>4</sup> Cf. p. 500.

<sup>5</sup> Cf. pp. 336-350.

Even the apparent simplicity imposed under the Education Act of 1902—whereby a committee of the council, with some members co-opted, replaced the *ad hoc* boards—was not occasioned by any desire of the localities for the change. The chief motive seemed to be a desire for the more economical local management that was supposed to result from the responsibility of a single body to the electors.<sup>1</sup> With the passing of the school boards, much of the effective and spontaneous machinery developed by the Welsh for their intermediate education had to be modified.<sup>2</sup> Examination of the results must be deferred until it is possible to assemble more of the evidence from both countries.<sup>3</sup> About 1912 a poll was taken of the local Directors of Education in the boroughs and urban districts. It showed 127 in favour of the *ad hoc* board and forty-four in favour of the present system.<sup>4</sup> The important thing to note is that the impulse for the change was national, was ill-considered, and was followed by an eclipse even of the small amount of local interest in education that had been aroused by the school boards.<sup>5</sup> The effect raises the question whether the abolition of the *ad hoc* bodies is always a gain.

<sup>1</sup> *Hans.*, vol. 105, pp. 848, 851. Mr. Balfour in introducing the Bill said: 'The result (of the Boards) was that a strain, or at all events a burden, was put upon local finance in School Board areas through the action of a body responsible indeed to the community so far as regards education, but having no responsibility for the general expenditure which was . . . in the hands of the local authority. . . . I cannot believe this a sound system of local government.' The Scottish School Boards were not included under the provisions of the Act. The change in London came in 1903, owing to a parliamentary desire for uniformity, not to local demand (Harris, *London*, p. 66).

<sup>2</sup> Cf. Balfour, *Educational Systems*, p. 192.

<sup>3</sup> Cf. p. 492.

<sup>4</sup> *Report by Commission of Scottish School Boards Association on the Council System of Educational Administration*. p. 22.

<sup>5</sup> *Ibid.*, for an antagonistic study of the council system. For Birmingham, cf. Chamberlain, 'Municipal Government in Birmingham', in *Political Quarterly*, No. 1, Feb. 1914, p. 115. The view uniformly expressed by local education officials to the author confirms the impression of eclipse of popular interest.

Moreover there was again arising a confused group of authorities, which Parliament saw fit to set up to deal with matters of national welfare delegated to the cities. This began in 1905 with the creation of complexly constituted 'Distress Committees' to deal with the unemployed.<sup>1</sup> In 1909 Labour Exchanges were added.<sup>2</sup> The constitution of *ad hoc* local authorities under the National Insurance Act (1911) was peculiarly complicating, as was also the war pensions machinery.<sup>3</sup>

Thus to summarize: The Acts of simplification were largely accidental and the most important one perhaps a mistake.<sup>4</sup> Further complexity came with the reversion to the habit of piecemeal legislation, uncognizant of local government as a whole. Between the growing internal incapacity and the parliamentary indifference, the framework had begun once more to act as a very real check upon city government—at a time when it was rapidly improving upon its disgraceful position in America.

§ 28. *Difficulty of annexation.* To the handicap of framework must be added the scarcely less important problem of area. There was less and less difference between England and America as regards the facts of growth and urban preponderance. In the United States urban population increased between 1900 and 1920 from 30,797,185 to 54,318,000, or from 40 per cent. of the whole to 51.4 per cent.<sup>5</sup> In England and Wales urban population increased between 1901 and 1921 from about 25,050,000 to about 30,040,000, or from 77 per

<sup>1</sup> Unemployed Workmen Act 1905. These committees were made up of members of the council, guardians, and 'persons experienced in the relief of distress'.

<sup>2</sup> Labour Exchanges Act 1909. Local experiment had not been very successful (*Poor Law Commission Report*, p. 399 f.).

<sup>3</sup> The committees set up for these two purposes were responsible to the central government, and were composed on the 'representation principle', in which each interested group had members.

<sup>4</sup> Simplification occurred under the Burial Act 1900.

<sup>5</sup> U.S. Census in *World Almanac*, 1923, p. 327.

cent. of the whole to 79·3 per cent.<sup>1</sup> In both cases this implied a growth beyond the old city boundaries; and unless the boundaries were adjusted to make the political city approximately coincide with the economic and physical city, the administration was inevitably handicapped. The situation was more acute in England, where jealousy of prerogative and financial fears caused the suburban areas to demand increasingly large concessions as the price of annexation. These took the forms of differential rates, extensive improvement projects, disproportionate representation—all of which tended to unbalance the subsequent course of the city. For example, rates in the Cross Gates district of Leeds must remain at 4s. 4d. till 1927, and in the Middleton district at 5s. 8d. till 1935, though the average city rate in 1921-2 was 16s. 8½d.<sup>2</sup> Financial disturbances were often quite serious, if the county was thus deprived of rateable territory. In 1911 Birmingham paid the county councils of three counties £243,500 in lieu of this.<sup>3</sup> Officials deprived of their positions were to be compensated, on the analogy of a vested right.<sup>4</sup> Inasmuch as it was not the practice of the central government to allow the annexation of a borough without its consent, an urban district near a large county borough would frequently seek advancement to borough status, with the view of warding off possible absorption.<sup>5</sup> The wonder is that there was any annexation at all, and it was a tribute to the energy of the cities that so much was actually accomplished. None the less the problem grew

<sup>1</sup> *Public Health and Social Conditions* (Cd. 4671, 1909), p. 6; Great Britain Census in *Whitaker's Almanac*, 1924, p. 530.

<sup>2</sup> Leeds, *Year Book*, 1922-3, p. 58. For differential rates, Birmingham, cf. *Proceedings of Council*, 1910-11, pp. 162-6; Glasgow, *Year Book*, 1922-3, p. 148 f.

<sup>3</sup> *Proceedings of Council*, Birmingham, 1910-11, p. 528.

<sup>4</sup> *Ibid.* p. 394, gives details of an elaborate plan, whereby such compensation varied both with salary and with length of service.

<sup>5</sup> Lowell, *Government of England*, vol. ii, p. 146.



steadily more critical with the rise in municipal expenditure.<sup>1</sup>

§ 29. *Efforts at annexation.* Early extensions were made by Bristol (1904).<sup>2</sup> About 1910 annexation advanced almost to the status of a municipal activity. The success of Birmingham (1911),<sup>3</sup> Glasgow (1912),<sup>4</sup> Stoke-on-Trent (1912), and Plymouth (1914), in extending their boundaries or in federations so as to include substantially the natural unit of administration, encouraged a number of other towns to similar efforts. Edinburgh annexed Leith, and Bolton absorbed the major part of its suburban areas. From 1899 to 1908 there were forty-two new county boroughs or extensions, and from 1908 to 1923 there were fifty such.<sup>5</sup> The stimulating effect on the municipal life, particularly in the case of Birmingham,<sup>6</sup> was very significant. The extension was of such magnitude that it brought a comprehensive reconsideration of all branches of municipal service—a wholesome corrective to the tendency which they had shown of too great devotion to precedent.

The efforts of other towns, including Manchester,<sup>7</sup> Sheffield, Halifax, Nottingham, Bradford, Dudley, and London (both before and after the war) were not usually so successful. Leeds, in 1912 and 1919, added a few districts, but not enough to incorporate all suburban area;

<sup>1</sup> For Birmingham, etc., cf. Chamberlain, 'Municipal Government in Birmingham', in *Political Quarterly*, vol. i, Feb. 1914, pp. 112 ff., 90 f.

<sup>2</sup> Stone, *Bristol*, p. 252.

<sup>3</sup> For Birmingham, etc., cf. Chamberlain, 'Municipal Government in Birmingham', in *Political Quarterly*, vol. i, Feb. 1914, pp. 112 ff., 90 f.

<sup>4</sup> Cf. *Municipal Glasgow*, pp. 7, 290.

<sup>5</sup> *Minutes of Evidence, Royal Commission on Local Government*, Part I, 1923, p. 94. Cf. also Appendix H. 'Military considerations influenced the Plymouth project of 1914'.

<sup>6</sup> Cf. Chamberlain, *supra*.

<sup>7</sup> For good account of Manchester's difficulties, cf. Simon, 'Municipal Government in Manchester', in *Political Quarterly*, No. 2, May 1914, pp. 86 ff.





Liverpool was partially successful in 1913, but the borough of Bootle remained separate. The process in almost every case had to be made the subject of a private bill, in itself costly; and so difficult had become the adjustment of the conflicting interests concerned, that Parliament seems to have decided to hold further action in abeyance until the report of a Royal Commission on this and kindred matters should be at hand. Meanwhile Liverpool and Manchester were taking the lead in voluntary co-operation with surrounding areas.<sup>1</sup>

The arguments put forward for the extensions were well expressed in the principle that the 'overflow of a town should be under the same control as the centre from which it originated; that a self-governing community should control the future development of its circumference; and that a homogeneous and continuous area of industrialism is, generally speaking, better governed by one authority and one set of officials than by several small authorities with a number of low-paid, part-time officials'.<sup>2</sup> In addition, there was often the feeling that the surrounding areas were profiting from many of the services of the borough, while not sharing in expense. Permeating all such efforts at annexation was the natural desire—noted so strongly in America—for the prestige that increased size would bring. The process was one of the evidences of the local desire to create something approaching a 'city state', but the difficulties in most cities were apt to make inadequate area one more of the many extraneous factors hampering the natural growth of city self-government.

It had become usual for the units in question to oppose their own annexation. The motives for this varied. Some were laudable, such as a desire to foster local self-

<sup>1</sup> *Medical Officer*, April 15, 1922, p. 154. In the case of Manchester this was particularly for town planning. Cf. *Proceedings of Council*, Salford, Sept. 7, 1921, pp. 743 ff.

<sup>2</sup> 'Reviews', *Political Quarterly*, No. 3, Sept. 1914, p. 201 f.

government and local initiative or a fear of greatly increased expense. Others were more questionable. Of this type were the jealousy of prerogative and the desire to 'hold up' the annexing authority for greater concessions.<sup>1</sup> In this connection, it should be noted that the decision of opposition or agreement rested not with the inhabitants—as in America—but with a council which would be deprived of its own powers thereby. This aspect and the more obscure financial elements involved will be left for future discussion.<sup>2</sup>

§ 30. *Other problems of area.* There have been instances of other difficulties when a borough or urban district desired an advance to the status of county borough. With the increase of duties of the county councils, such a process has frequently come to mean serious dislocation in county finance. This condition resulted in a kind of parliamentary ban, which checked the municipal aspirations of Wakefield, Cambridge, Luton, and Swindon.<sup>3</sup>

American experience can furnish parallels for the difficulty of the problem of county relationship, but the question of annexation has been much more easily solved. It should be noted that in England, in all of these problems, the financial considerations have been the most critical point of discussion. The fact that advance in expense in the annexed area does not seem to follow in any such degree in America, on closer analysis, points once more to the inherent difference in the local rating systems.

Of a different nature were the difficulties arising, on the one hand, from too small a unit of government and, on the other, from too large a unit. It is undeniable that the best area for one function may by no means be the best for another, and the problem resolves itself into

<sup>1</sup> Interviews, Town Clerk, Manchester, etc., etc. <sup>2</sup> Cf. pp. 505, 534.

<sup>3</sup> Good general accounts of the annexation problem appear in Lowell, *Government of England*, vol. ii, pp. 199 ff.; 'Reviews', *Political Quarterly*, No. 2, May 1914, pp. 201 ff.; No. 3, Sept. 1914, pp. 195 ff.

a search for the best adjustment under the circumstances. This became of peculiar difficulty in the matter of municipal trading. The solutions were varied, and none could lay claim to complete satisfaction. In England and Wales in 1907 there were 25 joint boards for water, 2 for water and gas, 1 for electricity and tramways.<sup>1</sup> In 1915, of the 60 port authorities, 29 were joint. In the same year there were 112 joint boards for sanitary purposes, and 65 isolation hospital committees.<sup>2</sup> Glasgow, on the other hand, was the sole authority in the surrounding district for several municipal services.<sup>3</sup> By 1923 there were at least 12 Joint Town Planning Committees.<sup>4</sup>

Other difficulties were presented by poor law administration. The problem arose from two angles. First, there was the difficulty of an area large enough to equalize the burden and yet small enough to insure local responsibility in the matter of expense. Secondly, the new humanitarianism demanded a classification of types of dependents possible only with large areas, while there was a reluctance to yield what was felt to be the 'personal touch' in the small. London's solution of a Common Poor Fund had the appearance to the local boards of an inexhaustible reservoir. Some boroughs, apart from their fixed quota towards the Common Fund, bore less than 25 per cent. of their cost locally, and the total of equalized expenditure plus the normal grant-in-aid made up about 70 per cent. of the entire metropolitan poor law expenditure. Though it made possible service of a high

<sup>1</sup> Knoop, *Municipal Trading*, p. 117.

<sup>2</sup> Bannington, *Public Health Administration*, p. 19 f.

<sup>3</sup> For discussion of the problem in Scottish cities, cf. Atkinson, *Local Government in Scotland*, p. 141 f. For Sheffield, cf. Wilson, 'Municipal Administration in Sheffield', in *Political Quarterly*, No. 3, Sept. 1914. The Metropolitan Water Board (1902) and the Port of London Authority (1908) were constituted during this period. Cf. Harris, *London*, p. 157, etc.

<sup>4</sup> *Minutes of Evidence, Royal Commission on Local Government*, Part I, 1923, p. 175.

quality, it admittedly failed to devise a check for extravagance.<sup>1</sup>

By the substitution of the county councils as education authorities in the place of the great number of school boards, the Act of 1902 took definite steps towards larger and fewer authorities, particularly in the rural districts. The same tendency towards larger units was revealed in making the counties and county boroughs the authorities for health insurance (1911), mental deficiency (1913), midwife control (1918), and child welfare (1918).<sup>2</sup> Further efforts in the way of devolution culminated in the creation of the two Irish States in 1922-3. Increasing complexity in London finally brought the appointment of a Royal Commission in 1921. Its report<sup>3</sup> is of importance to America, where the problem of metropolitan government is unsolved. Its findings were far from unanimous. The majority rejected the proposals of the L.C.C., which called for a strong central body with larger area. Instead they declared for only minor modifications of the *status quo* to provide for an extension of the equalization principle and for a 'London and Home Counties Advisory Committee'. The general impression gained from reading the report is one of confusion and conflict of evidence.

§ 31. *Local decentralization.* Of an opposite nature were the problems created by urban areas approaching metropolitan proportions. The difficulties that seemed to make some form of local decentralization advisable were by no means confined to London,<sup>4</sup> but were experienced

<sup>1</sup> Webb, *Grants in Aid*, pp. 47 ff., gives a full account.

<sup>2</sup> Boroughs over 10,000 and urban districts over 20,000 were allowed to be the authorities for elementary education. The Acts were: Education Act 1902; Midwives Acts 1902, 1918; Maternity and Child Welfare Act 1918; Mental Deficiency Act 1913; National Insurance Act 1911.

<sup>3</sup> Cd. 1830, 1923.

<sup>4</sup> Cf. Harris, *London*, pp. 91 f., 134. London's traffic problem was particularly difficult. Cf. Lowell, *Government of England*, vol. ii, pp. 223 ff.

in some of the provincial towns as well—where there was appreciation of the inevitable lack of intimate knowledge which came with increased size. In Glasgow the difficulty was met by annual meetings of the electors in each of the thirty-seven wards to elect a 'Ward Committee' of thirty or forty. This committee held monthly meetings to discuss affairs of the Town Council, and at the end of the year presented its report to the annual ward meeting.<sup>1</sup> Manchester, as part of an annexation agreement, formed a 'Withington Committee', to look after the interests of that particular area. The reasons given were two in number: to preserve some local independence, and to allow action by a committee conversant with the needs of the section.<sup>2</sup> Bolton set up similar committees of a temporary nature for annexed districts.<sup>3</sup> Instances began to occur of sub-committees of an ordinary committee—each to deal with a part of the city.<sup>4</sup> In Edinburgh, Dundee, Dublin, it was the custom to have a member from each ward on each important committee.<sup>5</sup> For all such experiments, the simplicity and broad lines on which British city government was framed made possible much of the flexibility permitted in America under home rule.

Thus increasing complexity was bringing questions as to size of the authority and manner of organization, to which England was but little nearer a solution than was

<sup>1</sup> Pratt, 'Glasgow', in *Political Quarterly*, No. 4, Dec. 1914, p. 124.

<sup>2</sup> Simon, 'Municipal Government in Manchester', in *Political Quarterly*, No. 2, May 1914, p. 90 f. The whole question of devolution was a problem which was under discussion.

<sup>3</sup> Bolton, *Year Book*, 1922-3, pp. 14, 16, 29, 30, 32, 40, 43.

<sup>4</sup> This was usual in the case of pensions. Other instances were Bristol (Baths); Manchester (Paving); Liverpool (Markets).

<sup>5</sup> Dundee, *Year Book*, 1922-3, p. 86; Dublin, *Corporation Diary*, 1923, p. 114; Atkinson, *Municipal Government in Scotland*, p. 46. In Edinburgh it was alleged that this method increased the debt (*ibid.* p. 46). Some Scottish burghs were divided into sewerage districts, but this was on the wane (*Report on Local Taxation [Scotland]* [Cd. 1067, 1902], p. 71).



America. On the other hand, England was feeling, in a more acute form than America, the check upon a municipal expansion commensurate with the physical growth of the urban area.

#### THE GROWTH OF FINANCIAL STRINGENCY

§ 32. *Neglect by Parliament.* The check upon the development of city government arising out of financial stringency grew steadily. In spite of the extreme urgency of the problem, little was done to meet the situation. The cities, seemingly unable or unwilling themselves to grapple with the burden, turned to Parliament for relief; while Parliament, busy with national affairs and neglectful of local government, failed to offer a solution. On thirteen occasions between 1900 and 1910 and on twenty-four occasions between 1910 and 1922, the Association requested Parliament for further subsidies.<sup>1</sup>

The financial history of the cities divides itself into two fairly definite periods with the intervention of the war. Even in the first years of the century the annual increase in rates was over £3,000,000.<sup>2</sup> In London, 1898-1905, the average rate increased from 6s. 2·7d. to 7s. 5d.<sup>3</sup> In England, as in America, there was a large increase in educational expenditure met from local revenues. The rise from about £4,000,000 in 1895 to £11,000,000 in 1908-9 was largely an 'imposed' rise—the aftermath of putting the voluntary schools on the rates under the 1902 Act.<sup>4</sup> In America, the similar increase was largely due to increased *local* effort in secondary education and in raising the standards generally.

A great growth in function had taken place, seemingly

<sup>1</sup> *Minutes of Annual Meetings, Association of Municipal Corporations*, 1903, p. 45; 1905, p. 28; 1909, p. 30, etc., etc. *Annual Reports, A.M.C.*, 1903, p. 2 f.; 1905, p. 53; 1906, p. 78, etc., etc.

<sup>2</sup> *Public Health and Social Conditions* (Cd. 4671, 1909), op. p. 74.

<sup>3</sup> Lowell, *Government of England*, vol. ii, p. 212.

<sup>4</sup> Cannan, *History of Local Rates*, p. 156.

without corresponding ability to assimilate and co-ordinate. This latter aspect meant an increase of expense perhaps as little justified by standards of efficiency as the loss through corruption in the United States. There was also a constant complaint in England that many of the grants, centring as they often did upon items of expenditure in advance of public opinion, were stimulants to further spending, instead of a relief to the rates.<sup>1</sup>

§ 33. *Growth of loans.* The discrepancy in the matter of loans between the two countries continued. It was a common practice in England for large cities to apply for loans of a few hundred pounds, or to lump together a number of small items in a single covering loan.<sup>2</sup> So many loans were allowed under Acts other than the Public Health Act of 1875, that the statutory limit there imposed had little or no significance. The practice of obtaining special borrowing powers from Parliament without the sanction of the Local Government Board was responsible for further growth, and served to negative a control that was (at its best) of doubtful value.<sup>3</sup> For example (1900-1920) Manchester's loans for paving under the Public Health Act 1875 averaged twenty years; under private Acts forty-five years.<sup>4</sup> Nor were the loans sanctioned under private Acts inconsiderable. During the three years 1920-22 (all authorities) they totalled £45,100,000.<sup>5</sup> The result of these various

<sup>1</sup> e.g. Collins, 'Imperial and Local Taxation', in *Political Quarterly*, No. 3, Sept. 1914, pp. 107 ff.

<sup>2</sup> Chamberlain, 'Municipal Government in Birmingham', in *Political Quarterly*, No. 1, Feb. 1914, p. 105. Cf. *Abstract of Accounts*, Manchester, 1921-2, pp. 734, 716, 674, etc., for numerous examples; also *Municipal Accounts*, Edinburgh, 1922, pp. 101 ff.

<sup>3</sup> Grice, *National and Local Finance*, p. 347; Bannington, *Public Health Administration*, p. 264, etc. For Scottish burghs, cf. Atkinson, *Local Government in Scotland*, p. 326.

<sup>4</sup> *Abstract of Accounts*, Manchester, 1921-2, pp. 712 ff.

<sup>5</sup> *Minutes of Evidence, Royal Commission on Local Government*, 1923, Part I, p. 153.

causes was a net increase in the debt of local authorities from £294,000,000 or £9 3s. 6d. per capita in 1900, to £483,000,000 in 1906, and £556,000,000 in 1911<sup>1</sup>—all of which added the interest to the ordinary financial burden. Compared with this increase the meagre success of the detailed control of the Local Government Board may be judged from a typical year (1912-3), when it refused to sanction 457 proposed loans amounting in all to only £394,959, or about £900 a loan.<sup>2</sup> A considerable part of this 'saving' must have been offset by the costs of the local inquiries. In 1909-10 the purely municipal debt of England and Wales was £393,441,937 or £25 17s. 5d. (\$125.80) per capita, and the American municipal debt (1911) \$1,808,828,392 or \$67.52 (£13 17s. 3d.) per capita.<sup>3</sup>

§ 34. *Internal failure to control expenditure.* Attention has already been called to the relative failure of the local authorities to grapple with their complex problems.<sup>4</sup> This failure was peculiarly apparent in finance—local effort, for the most part, being confined to opposition to any increases in expense. The elected auditors were admittedly failures,<sup>5</sup> and the popular interest in their election was negligible.<sup>6</sup> Many of the boroughs hired a

<sup>1</sup> 'Reviews', in *Political Quarterly*, No. 2, May 1914, p. 188; Harris, *Problems of Local Government*, pp. 113 ff., and p. 239, *supra*.

<sup>2</sup> Bannington, *Public Health Administration*, pp. 300, 305. Control over loans for education purposes was given to the Local Government Board under the 1902 Act.

<sup>3</sup> *Financial Statistics of American Cities*, 1918, p. 18; (computed from) *Local Taxation Returns, England and Wales*, 1911, Parts i, vi, vii, various. For basis, cf. p. 520. There seems to be some evidence that the loans were also coming to be for longer periods. For example, Manchester prior to 1910 had a thirty-year period for its school loans (new buildings). After 1910 the usual period was fifty years (*Abstract of Accounts*, Manchester, 1921-2, pp. 660-676).

<sup>4</sup> Cf. pp. 224, 243.

<sup>5</sup> *Report, Joint Select Committee on Municipal Trading* (Cd. 270, 1903), p. vi.; Dicksee, 'Auditing', in Harris, *Problems of Local Government*, p. 245.

<sup>6</sup> e.g. Bristol, 1911, 1,729 votes cast; 1912, 1,896 votes cast. Electorate over 65,000. (File of *City Records*, Bristol Town Clerk's office.)

professional auditor also, but his work was limited to legality, not advisability of expenditure. There was no one who could perform the service of the controller or mayor of American cities in an intimate grasp of financial policy, save possibly the city treasurer—and his advice would probably have been resented.<sup>1</sup>

Genuine attempts were usually made to keep within the estimates by periodic reviews of expenditure,<sup>2</sup>—in Birmingham, four times a year by the Finance Committee.<sup>3</sup> In Plymouth, the borough treasurer was required to report at each committee meeting the financial status of the committee relative to the estimates.<sup>4</sup> The weakest point in most cities was the relative failure to devise a sound method of framing a budget. Whether financial control remained in the council or was delegated to a finance committee, it was very difficult for a councillor to become sufficiently acquainted with the details or adequately equipped in order to view the problem as a whole.<sup>5</sup> Councilmen were forced to cope with their own narrower view-point as individual committee members. For example, till 1912 the finance committee of Birmingham contented itself with making up the estimates for the year from those furnished by the committees, only incidentally 'suggesting' reductions.<sup>6</sup> The chairman of a particular committee, whose business it was to propose expenditure, found it increasingly easy to meet criticism of his estimates, as the result of their being so complex that only he and the other members of his committee could understand their significance. The council

<sup>1</sup> Interviews, various City Treasurers.

<sup>2</sup> *Departmental Committee on Accounts of Local Authorities* (Cd. 3614, 1907), p. 5.

<sup>3</sup> Interview, Acting City Treasurer, Birmingham.

<sup>4</sup> Plymouth, *Year Book*, 1922-3, p. 34. (Instruction adopted March 1919.)

<sup>5</sup> Cf. *Minutes of Evidence, Royal Commission on London* (Cd. 7493-I, 1894), Q. 9485.

<sup>6</sup> Chamberlain, 'Municipal Government in Birmingham', in *Political Quarterly*, No. 1, Feb. 1914, p. 164 f.

as a whole might thus be reduced to the unsound (but under the circumstances, perhaps inevitable) device of moving blind reductions in committee expenditure—leaving it to the committee to arrange its work as best it could with the smaller sum of money. Whether or not this had the result of exaggerating initial estimates and hence defeating its own purpose cannot be proved.<sup>1</sup>

Glasgow was still the only city (in 1914) with a special department of floating loans, though she claimed an annual saving of £33,000 thereby.<sup>2</sup> Some cities, including Birmingham and Liverpool, added 'consultative' or 'co-ordination' committees, designed to correlate finance and to check new expenditure.<sup>3</sup> Birmingham in 1914 adopted a standing order vesting discretionary power in the Lord Mayor (or chairman) to rule that any individual's motion for such new expenditure must stand adjourned without further debate till the next meeting, so as to give time for the finance committee to investigate.<sup>4</sup> Yet in Birmingham (and elsewhere) efforts tended to be weakened by the tradition that 'each committee under the council should have complete control of policy in its own special subject'.<sup>5</sup> The cities were not adjusting themselves to the new magnitude of financial operations, through adoption of scientific budget procedure, cost accounting, central purchasing, research

<sup>1</sup> The foregoing is the result of numerous interviews with municipal officials and councillors throughout England. Many of them are aware of the difficulties, but do not know how to remedy them. Some cities (e.g. Birmingham) adopt the method of 'rationing' their committees.

<sup>2</sup> *Municipal Glasgow*, p. 313.

<sup>3</sup> Liverpool, *Year Book*, 1922, pp. 60, 61; Birmingham, *Municipal Diary*, 1922-3, pp. 131, 138, 155; Bradford, *Year Book*, 1922-3, p. 117.

<sup>4</sup> 'Reviews', *Political Quarterly*, No. 3, Sept. 1914, p. 200.

<sup>5</sup> Chamberlain, 'Municipal Government in Birmingham', in *Political Quarterly*, No. 1, Feb. 1914, p. 104 f. Birmingham was quite exceptional in that under a private Act in 1912 her Council obtained power to appoint the overseers, thereby making possible a simplification of machinery of assessment and collection (ibid. p. 103).

bureaus, and other efficiency devices which were appearing in American cities.<sup>1</sup>

§ 35. *Efforts to rate land values.* It was little fault of the cities that they were unable to obtain changes in the rating system, such that some form of the rating of land values would be permitted. Beginning with the efforts of London and Glasgow to influence the Royal Commission on Local Taxation, and culminating in the flood of petitions from local bodies presented to the new Liberal government in 1906, the municipal effort on this score was continuous.<sup>2</sup> The efforts were of no avail. During the first part of the decade the landed interests were too strong in Parliament; and in the latter part—though the government expressed sympathy with the local view-point—its pre-occupation with national matters and its neglect of local prevented action.<sup>3</sup>

In 1901 the majority of the Royal Commission reported against any such project, but a considerable minority presented a plan embodying rating of land at a somewhat higher rate.<sup>4</sup> Other members of the Commission pointed out further weaknesses in the existing system, calling attention to the *regressive* character of its incidence, to its disproportionate burden upon certain occupations, etc.<sup>5</sup> In general, however, in spite of the great number of authorities consulted,<sup>6</sup> and in spite of considerable unanimity of opinion on the part of these authorities as to questions of incidence;<sup>7</sup> the Commission

<sup>1</sup> Cf. p. 293.

<sup>2</sup> Cf. Chorlton, *Rating of Land Values*, pp. 1 ff., for account. The Progressives included it in their platform in London in 1904 (Howe, *British City*, p. 212).

<sup>3</sup> Under the Finance Act of 1909 'unearned increment' duties were imposed as a part of the national system. Their failure to produce revenue is well known. Cf. p. 550, for criticism.

<sup>4</sup> Cd. 638, 1901. Cf. Row-Fogo, *Reform of Local Taxation*, pp. 377, etc.

<sup>5</sup> *Ibid.* pp. 5, etc.

<sup>6</sup> For minutes of evidence and memoranda, cf. Cd. 9528, 9319 (1899); 201, 383 (1900).

<sup>7</sup> Cf. Appendix S.

disregarded them, and, in its own words, said: 'We have therefore come to the conclusion that we shall best serve the purpose for which we were appointed, if we start free from the existing system, and inquire in what respects it has been or may be held unfair or oppressive in practice'.<sup>1</sup>

The result was what might have been expected. The opinions of the economists and experts were disregarded, the opportunity of reconstructing the local rating system along sounder lines was lost, and the Commission contented itself with recommending a typical 'common-sense' short-cut—further relief from the central government.<sup>2</sup>

Thus at a time when some American cities were experimenting further, through the Somers' system of taxation, etc., with the canon of 'social advantage'; Great Britain continued to reject the plea of her cities for similar privileges, basing her system still upon the canons of 'ability', 'service rendered', and 'convenience'.

§ 36. '*National grants for national services*'. The report of the Royal Commission had a deeper significance than would appear from its simple recommendation of further central aid. It crystallized in understandable and telling form the case for grants for *national* services. Certain key passages will illustrate this:

'That principle is the distinction between services which are preponderantly national in character and generally onerous to the ratepayers, and services which are preponderantly local in character and confer upon ratepayers a direct and peculiar benefit more or less commensurate with the burdens.' Poor relief, police and justice, and *education* are such national services. *Education* 'confers great benefit, no doubt, on the classes which participate in it, but does little to increase the value of rateable property in a particular locality'.

<sup>1</sup> *Report on Local Taxation* (Cd. 638, 1901), p. 11. Cf. Row-Fogo, *Reform of Local Taxation*, ch. iv, etc., for illuminating comment.

<sup>2</sup> *Report*, pp. 14, 20, 25 ff.

(This last sentence in its implication of class education and 'ratepayer's psychology', furnishes an illuminating contrast with the American attitude.)

'We consider that it is essential, in the interests of good administration that, if the assistance of the state in the collection and appropriation of revenue in aid of resources of local authorities is invoked, the grant of the assistance should be made dependent upon compliance with conditions designed to secure efficiency and to prevent extravagance.'<sup>1</sup>

The effect upon the view-point of the local authorities may be surmised. High authority now confirmed their grievance of expenditure 'forced' upon them for 'national' services, and the plea for further central aid was regularly advanced at the annual meetings and raised in the annual reports of the Association of Municipal Corporations.<sup>2</sup> The full significance of the step can be understood only in the light of the last principle quoted—that exchequer grants implied supervision. Though the authorities resented this, none the less they were to accept it rather than shoulder their own burdens and face the ratepayer. Parliament had denied them other sources of local revenue. The alternatives were heavier rating and grants-in-aid with supervision.

§ 37. *Changes in grant system.* The financial aspect of the Education Act of 1902 appeared to confer a large additional grant of about £1,250,000, but this in no way compensated for the increase in rates caused by the added expense of the voluntary schools.<sup>3</sup> In 1902 and 1906-7

<sup>1</sup> *Report*, pp. 12, 23 (Cd. 638, 1901).

<sup>2</sup> *Minutes, Annual Meetings*, 1905, p. 28; 1909, p. 30; 1911, p. 37 f.; 1912, p. 69; 1913, pp. 100 ff.: *Annual Reports*, 1903, p. 2 f.; 1905, p. 52 f.; 1907, p. 4; 1908, p. 70; 1909, pp. 73 ff.; 1910, pp. 49 ff.; 1911, pp. 91 ff.; 1912, pp. 120 ff.; 1913, p. 50 f.

<sup>3</sup> Cf. Balfour, *Educational Systems*, p. 100; Redlich, *Local Government*, vol. ii, p. 236. In Ireland, in 1900, voluntary contributions and rates provided only 6.8 per cent. of the cost of elementary education. The remainder was through Imperial subventions (*Report on Local Taxation [Ireland]*, [Cd. 1068, 1902], p. 44).



there were further attempts to aid necessitous schools, but almost as glaring anomalies remained.<sup>1</sup> For example, in 1911, London borough rates varied from 6s. 5d. to 11s. 4d.<sup>2</sup> Variation of school rates in Scotland was from 1d. to 2s. 10d.<sup>3</sup> Similar discrepancies between local burdens occurred in poor relief where local rates varied from 3d. to 2s.<sup>4</sup>

Changes in 1907 partially upset the 1888-91 adjustments by abolishing the interception of revenues, and transferring equal sums from the consolidated funds. Some small additional aid was also extended;<sup>5</sup> but as a whole the problem dragged on, with the pressure of finance upon the local authorities constantly growing greater. This was in spite of the fact that the grants for the kingdom had increased between 1900 and 1911/12 from over £16,000,000 to slightly less than £30,000,000.<sup>6</sup> Even the grants themselves, owing to the unwise and premature stereotyping in 1888 and later, were becoming more unfair every year.<sup>7</sup>

§ 38. *Health—a national service.* A departmental committee on local taxation (nine out of thirteen of whose members were government officials) early in 1914 did for public health what had been done in 1901 for education and the poor law by the Royal Commission.<sup>8</sup> By adding public health to the class of 'semi-national services' ('locally administered services of national char-

<sup>1</sup> Cf. Webb, *Grants in Aid*, pp. 68, etc. Part (b) of the grant, 1902, gave a variable grant of 1½d. per scholar for every 2d. by which the produce of a 1d. rate falls short of 10s. per scholar.

<sup>2</sup> Harris, *London*, pp. 108, etc.

<sup>3</sup> Alexander, 'Education in Scotland', in Harris, *Problems of Local Government*, p. 373 f.

<sup>4</sup> Webb, *Grants in Aid*, p. 42.

<sup>5</sup> Finance Act 1907.

<sup>6</sup> Webb, *Grants in Aid*, pp. 7, 8.

<sup>7</sup> Grice, *National and Local Finance*, p. 101 f.; Cannan, *Local Rates*, p. 152. Webb, *Grants in Aid*, deals with the details in this and the foregoing paragraphs.

<sup>8</sup> Cd. 7315, 1914. Cf. Summary of findings in 'Reviews', *Political Quarterly*, No. 2, May 1914, p. 179 f.

acter'), they recognized for the first time officially what had often been claimed—that public health was of the type of function in which national interest required subsidy and supervision.<sup>1</sup> Because of their financial straits and absence of self-reliance, the local authorities readily agreed with the subsidy recommendation. The report emphasized the conclusions of the 1901 report with regard to the other services, and called for further central aid and more effective measures of supervision.<sup>2</sup>

§ 39. *The fate of the government proposals.* The government proposals (1914)<sup>3</sup> went much farther than those of the Department Committee. Whereas only a minority of the Committee had reported in favour of separate rating in urban land values, the government made it a part of its general scheme and included provisions for national assessment. Relief of rates was to be applied to buildings and improvements. In addition, the grants were to be larger than those contemplated by the Committee, representing an increase from £22,000,000 to £31,000,000. Public health was to be more heavily subsidized, in view of the fact that it was now to be considered a 'semi-national' service. The grants were to be contingent upon central supervision.

The government's plan raised a storm of criticism. This arose from a number of causes, chief of which were the objections to the land value rating and to the central supervision.<sup>4</sup> In the case of the latter it was feared that the grants would be used, not for relief of burdens, but for stimulating new expenditure. Action was accord-

<sup>1</sup> Bannington, *Public Health Administration*, pp. 270 ff.

<sup>2</sup> *Report*, pp. 48 f., 22 f.

<sup>3</sup> For *résumé*, cf. 'Reviews', in *Political Quarterly*, No. 3, Sept. 1914, pp. 186 ff.; also Collins, 'Readjustment of Imperial and Local Taxation', in *ibid.* p. 105, etc.

<sup>4</sup> Cf. Bannington, *Public Health Administration*, pp. 271 ff.

ingly postponed until the next session. Meanwhile the war broke out, and the whole matter was held in abeyance. The only result was an addition of £515,000 to the education grant.<sup>1</sup> The local authorities could not act, Parliament proved dilatory, and the situation was left at an impasse. Many of the cities were facing thwarted development because of this financial check.<sup>2</sup> The ratio of rates to grants showed little change, being 76.9 : 23.1 in 1899-00, and 75.2 : 24.8 in 1909-10.<sup>3</sup>

§ 40. *Post-war grants.* The question was again taken up after the war, and much more extensive subventions given. As has been noted, this grant revision took place in the reconstruction atmosphere, when national welfare was the great aim, and local considerations were neglected. Both the system of rating and the system of grants were such as to result in glaring discrepancies—which seemed to be growing worse instead of better as the poorer districts came to be the ones needing the greatest amount of the modern humanitarian services. In 1918-9 the rates varied from 41s. 8d. in Walsall to 10s. 2d. in Hove.<sup>4</sup> In spite of efforts at reform, many of the grants were still awarded on bases long out-of-date.

Hence the government assumed a far larger share in the expense—particularly in the new functions which the American cities were undertaking without central aid. The British cities had little choice left save to sacrifice their freedom for the sake of further financial aid—how-

<sup>1</sup> 'Reviews', in *Political Quarterly*, No. 3, Sept. 1914, pp. 189 ff.

<sup>2</sup> 'Reviews', in *Political Quarterly*, No. 7, March 1916, p. 184; Collins, 'Local Government Finance', in Harris, *Problems of Local Government*, pp. 213, ff.

<sup>3</sup> *Local Taxation Returns* (1909-10) Part vii, p. 9 f. (*Parliamentary Papers*, Serial No. 273, 1912-13, vol. lxxii, 1912.) Between 1888 and 1914 local rates had increased from 3s. 8.2d. to 7s., while government grants had grown from 1s. 1.5d. to 2s. in the £ average (Collins, 'Readjustment of Imperial and Local Taxation', in *Political Quarterly*, No. 3, Sept. 1914, pp. 98, 103).

<sup>4</sup> *Statistics . . . of Local Education Authorities (Finance)* (Cd. 1101, 1920).

ever much the device of locally prepared 'schemes' might cover up the fact that the central authority was the ultimate one.<sup>1</sup>

By 1921-2 the cost to the Imperial Exchequer for education grants had risen from £15,320,000 to £51,960,000; local rates having increased from £16,190,000 to £32,620,000.<sup>2</sup> Local rates for health, lunacy, etc., increased from £15,600,000 to £28,000,000.<sup>3</sup> In 1913-14 a grant of £117,000 for tuberculosis was the only percentage grant, while in 1921-2 the percentage grants for this and other health services reached £2,715,000.<sup>4</sup> The entire receipts of sanitary authorities from the Exchequer had been only £356,000 in 1910-11.<sup>5</sup> Central grants to local authorities for housing (unknown in pre-war days) reached about £10,000,000 per annum by 1922-3.<sup>6</sup> The police grant was increased from one-half the cost of pay and clothing to one-half the entire cost. This with the increase in local expenditure raised the 1913-14 figure of £2,972,000 grant to £9,961,000 estimated grant in 1922-3.<sup>7</sup> Small new grants were extended for election expenses (half cost of registration) (£70,000 approx.).<sup>8</sup> The total grants for England and Wales for all services increased from £20,000,000

<sup>1</sup> Approval of the 'scheme' method of grants and supervision in education was actually expressed at the annual meeting of the Association of Municipal Corporations, 1918 (*Minutes*, pp. 32 ff.). At the same time it registered a protest against granting further powers to the Board of Education.

<sup>2</sup> *First Report of Committee on National Expenditure* (Cd. 1581, 1922), p. 107.

<sup>3</sup> *Ibid.* p. 104.

<sup>4</sup> *Ibid.* p. 132.

<sup>5</sup> Bannington, *Public Health Administration* p. 267.

<sup>6</sup> *First Report, Committee on National Expenditure* (Cd. 1581, 1922), p. 129.

<sup>7</sup> *Second Report, Committee on National Expenditure* (Cd. 1582, 1922), p. 56. For outline of legislation, cf. *Royal Commission on Local Government, Minutes of Evidence*, Part II, 1923, p. 237.

<sup>8</sup> *Third Report, Committee on National Expenditure* (Cd. 1589, 1922), p. 119.

in 1913-14 to £62,450,000 in 1920-1; while the total rates increased from £71,276,000 in 1913-14 to £148,750,000 in 1920-1.<sup>1</sup> Analysis showed that the major causes for this increase were an increase in wages of 73.6 per cent.; cost of materials, 99.4 per cent.; repayment of loans, 15.6 per cent.—amounting (less receipts) to an average of 7s. 1d. in the £. Postponed work accounted for 6 $\frac{3}{4}$ d. rate and new work for only 4 $\frac{3}{4}$ d.<sup>2</sup>

§ 41. *Reaction against expenditure.* The rate relief was to prove but a temporary expedient. The Geddes Committee condemned percentage grants as 'spending devices'—leading to irresponsible local expenditure in order to earn the maximum of grants.<sup>3</sup> By 1922-3 a beginning was made to sweep away the system, and to substitute a definitely fixed reduced grant. The localities were thus faced with what they considered to be the necessity of a corresponding curtailment of expenditure. At the same time, they were still left with the fear of pressure from the voluntary organizations for more services, and the feeling that they would now have no additional central aid upon which to rely.<sup>4</sup>

#### GROWTH OF CENTRALIZATION

§ 42. *The part played by finance.* Mention has been made repeatedly of the distinctly national bias in parliamentary thought, of its distrust of local authorities, of the extension of central supervision to correspond with increased grants-in-aid, of the helplessness of local authorities in the face of financial stringency.<sup>5</sup> The

<sup>1</sup> Cd. 1633, 1922 (quoted in *The Ratepayer*, May 1922, p. 139 f.). Cf. also *ibid.* p. 142, and Appendix I.

<sup>2</sup> *Memo. on Increase of Local Rates* (Cd. 1016, 1920), p. 11.

<sup>3</sup> Cd. 1581, 1582, 1589 (1922).

<sup>4</sup> Interviews, officials of local authorities and Ministry of Health.

<sup>5</sup> Cf. pp. 394-406.

result of these factors was occasionally summed up in expressions, such as: 'We . . . appear to be drifting toward a system of complete subjection of the local authorities to the central permanent departments, and of the latter bodies' independence of both Parliament and the judiciary.'<sup>1</sup>

Much of the financial aspect has already been indicated. The accretion of unco-ordinated grants transformed the unsatisfactory plans of 1888 into a chaos of confusing elements.<sup>2</sup> Prior to 1918 there was a lack of co-ordination between grants, that mirrored the lack of co-ordination in the mind of Parliament.<sup>3</sup> Thus in finance, where thinking should have been the clearest and on the most comprehensive lines, the piecemeal tendency of Parliament was at its worst. The general grants were often on most unsound lines. The departmental grants exhibited bewildering variety between departments and functions. The complexity of supervision and the financial lever varied from the minute detail of the Board of Education<sup>4</sup> to the single 'all or none' fine of the Home Office, in police.<sup>5</sup> Some penalized progress, others stimulated it on unsound

<sup>1</sup> Harris, *Problems of Local Government*, p. 11. Cf. also Hobhouse, 'Local Government and State Bureaucracy', in same volume, p. 400, where the 'reaction against the progress of free local government' is spoken of.

<sup>2</sup> This paragraph is based on data in Webb, *Grants in Aid*, though the conclusions drawn are different.

<sup>3</sup> Grants came (a) from Exchequer direct, (b) out of assigned revenues, (c) from Exchequer contribution accounts on 1888 basis.

<sup>4</sup> e.g. in cooking instructions there were thirty or forty regulations as to qualifications of teacher, size of class, number of hours, etc.—which called for deduction of only a few shillings from the grants (Bushell, 'Central Control of Local Government', in Harris, *Problems of Local Government*, p. 387 f.). Such regulations entailed a large amount of detailed clerical work which was sheer waste, both for the board and the local authorities. Cf. also Webb, *Grants in Aid*, p. 68.

<sup>5</sup> Collins, 'Readjustment of Imperial and Local Taxation', in *Political Quarterly*, No. 3, Sept. 1914, p. 107, speaks of good record of Home Office.

lines.<sup>1</sup> Earning a grant had become a kind of fine art, and the complaint was often heard (particularly in education) that the broader and deeper things were often lost sight of in anxiety for the grant.<sup>2</sup> In 1923 Birmingham was spending for education only about £12,000 which was not aided by grants,<sup>3</sup> and Bristol less than £3,000.<sup>4</sup> The local authorities, hampered by financial stringency, were in danger of yielding their independence for the sake of aid.<sup>5</sup>

§ 43. *Other reasons for growth of centralization.* There is little gained by a catalogue of the powers added to the central departments during the decade.<sup>6</sup> The important

<sup>1</sup> e.g. the grant of 4s. per head to guardians who would put their lunatics in county or county borough homes brought three results: (a) transfer of the merely senile, (b) retention of many in workhouse if it was cheaper even with the grant, (c) tendency to pauperization, inasmuch as grant was given only when relatives did not aid (Webb, *Grants in Aid*, pp. 42 ff.).

<sup>2</sup> Bushell, 'Central Control of Local Government', in Harris, *Problems of Local Government*, p. 388 f. This opinion was in each case confirmed in the author's interviews with local education officials in 1922 and 1923. Cf. Grice, *National and Local Finance*, p. 103 f.

<sup>3</sup> Included extra salary for chief assistants, ex-service cases, extra salary for teachers of science, etc.

<sup>4</sup> Interviews, education officials, Bristol.

<sup>5</sup> e.g. comment on Housing and Town Planning Bill (later Acts) 1919, 'although the Bill seeks to impose further compulsion upon local authorities and would therefore, under normal circumstances, and if unaccompanied by compensating advantages, be regarded by the Association as open to objection, we are of the opinion that under the existing exceptional circumstances and having regard to the large government subventions which will be authorized by its provisions and to the further enabling powers which it contains, the Bill (subject to modification in some respects) should receive the warm support of the Association' (*Minutes, Annual Meeting, Assoc. of Municipal Corporations*, 1919, p. 97).

<sup>6</sup> Cf. also Home Office control under Factory and Workshops Act 1901; Children Act 1908; Shops Act 1912; Local Government Board (Ministry of Health) Control under Public Health Acts Amendments Act 1907; Old Age Pensions Acts 1908, 1911; 'Board of Control' (later Ministry of Health) control under Mental Deficiency Act 1913; Board of Education control under Elementary Education (Defective and Epileptic) Children Act 1914; etc., etc.

ones have been noted.<sup>1</sup> There were many arguments adduced in defence of particular measures of centralization.<sup>2</sup> Most of them reflected the opinion that Parliament or the central departments knew better than the locality what was best.<sup>3</sup> Most of them indicated an element of distrust in the local authority.<sup>4</sup> The result may be summarized as a fairly successful effort to deprive local authorities of an opportunity to make a mistake. By 1922 education, mental deficiency, a large part of public health, all new public works projects, the poor law, housing, town planning, police, much of the road construction, even municipal trading, were subject

<sup>1</sup> p. 348 f.

<sup>2</sup> Cf. Clarke, *Local Government*, pp. 16 ff., where most of them are listed.

<sup>3</sup> This is the basis of Webb, *Grants in Aid*. Cf. also *Minutes of Evidence, Royal Commission on Local Government*, 1923, Part I, pp. 60 ff. For Scottish Local Government Board's efforts to force localities to act in housing, cf. 'Reviews', in *Political Quarterly*, No. 2, May 1914, p. 185.

<sup>4</sup> Cf. Bannington, *Public Health Administration*, p. 33. In education a typical instance was found in placing the ultimate decision as to advisability of a new school, not with the local authority, but with the Board of Education (Education Act 1902, sec. 8 (1)). In connection with the large measure of central control in town planning, Mr. J. Burns, President of the Local Government Board, voices this distrust: 'What has prevented town planning in the past has been where special, personal, or local interests have been so anxious to satisfy prejudices or selfish objects that it has been impossible for local owners with a local authority of limited views, sometimes consisting not always of the most disinterested personnel, to come to the agreement that would be arrived at if the central authority intervened' (*Parl. Proc. H.C.* 1909, vol. 3, p. 737). There was much criticism in committee of the centralization proposals that concerned housing, but Mr. Burns—formerly an ardent advocate of local autonomy—would not yield. (Very few Presidents of the Local Government Board seem to be able to hold out long for decentralization after taking office.) (*Parl. Proc. H.C.*, 1909, vol. 10, pp. 28 ff., 189 ff.) Similarly in 1918 Mr. Acland, in proposing the second reading of the Education Bill, declared that, 'Our local education authorities, with some very brilliant exceptions, are directed by men who fail, sometimes at any rate, to have a broad outlook with regard to educational ideals and who have not a very great understanding of what a comprehensive scheme of national education involves.' (*Parl. Proc. H.C.*, 1918, vol. 104, p. 337.)



to a greater or less degree of central supervision and veto. The chief witness to give evidence on behalf of the Ministry of Health before the 1923 Royal Commission on Local Government summed up the point of view of the Department as follows: ' . . . a government department, if it pays half the cost, and the local authority is keen on getting the money, can tell the authority the way in which it wants the work carried out '.<sup>1</sup>

Local civil service had developed along sound lines through local effort, and appointment on merit and security of tenure had become a tradition. This would seem to have rendered rather needless the increasingly frequent stipulations already noted which required department consent for appointment or removal.<sup>2</sup> It is difficult to prove, but it would seem as though a desire was influential in this to make the local official an agent of the central government as well. Such a development was quite parallel to the French system of central appointment of certain local officials. Defence on this latter ground was certainly legitimate, but the rare occasions when English local authorities had violated their trust could scarcely justify the imposition of control.

Further central checks were imposed which had the effect of safeguarding property. The cities had shown, on the whole, more democratic tendencies than had Parliament, particularly in their attitude toward land and public ownership of utilities.<sup>3</sup> Checks of this nature occurred in the Housing and Town Planning Act of 1909, where the various steps of the town planning procedure were subject to Local Government Board review. The Board might alter a scheme at will.<sup>4</sup>

A more expansive plea for centralization was the one based upon the need of central action ' to safeguard

<sup>1</sup> *Minutes of Evidence, Royal Commission on Local Government*, Part I, p. 24.

<sup>2</sup> Cf. p. 369, and footnote 1, p. 370. <sup>3</sup> Cf. pp. 241, 227, 209, footnote 2.

<sup>4</sup> Cf. Bannington, *Public Health Administration*, p. 237 f. *Parl. Proc., H.C.*, 1909, vol. 3, pp. 849 ff.

posterity'. Under this category must be placed many of the restraints imposed upon 'extravagance' or new projects. For the larger authorities, who had the resources to promote private bills, the control was not so real; but in other cases, it was virtually absolute over all new projects involving capital expenditure—the control extending to alteration, denial, etc. In each instance the board would usually hold a local inquiry—at local expense—and pronounce upon the terms, conditions, etc., which it thought advisable.<sup>1</sup>

A development that had a limited parallel in some of the American state school systems, was the desire to secure at least a minimum standard in certain services. A plea for a 'national minimum' was always a potent factor in securing further endowments of power for the central departments.<sup>2</sup> Powers under the Public Health, Education, or other Acts were thus frequently converted into duties, and their enforcement entrusted to government departments.

What was perhaps the greatest factor is not so easily defined. There was, as has been frequently mentioned, the desire for some means to translate the 'national will' into action.<sup>3</sup> This frequently resulted in the policy of Parliament framing only the broad lines of an Act, leaving it to the government departments to evolve the *sub-legislative* or detailed aspects.<sup>4</sup> The codes of the Education Department were conspicuous examples of this.<sup>5</sup>

<sup>1</sup> Cf. Bushell, 'Central Control of Local Government', in Harris, *Problems of Local Government*, p. 393. This argument was very strongly expressed in an interview with a prominent official of the Ministry of Health (1922).

<sup>2</sup> Cf. footnote 2 on p. 338. This argument for centralization is prominently advanced in Webb, *Grants in Aid*; in Ashley, *Local and Central Government*; etc.

<sup>3</sup> Cf. Grice, *National and Local Finance*, p. 6.

<sup>4</sup> This aspect is well treated in Ilbert, 'Legislative Methods and Forms'; pp. 39 f., 266 of which are quoted in Bannington, *Public Health Administration*, p. 35, etc.

<sup>5</sup> Other examples were under the National Insurance Act 1911, the Maternity and Child Welfare Act 1915.

There were various methods of enforcement, but the tendency was distinctly toward guidance by the grant-in-aid rather than coercion.<sup>1</sup> The powers of expansion of this policy were almost unlimited.<sup>2</sup> How Parliament, possibly through congestion, began to show a disregard for the local point of view has already been considered.<sup>3</sup> This, together with the cost of private Acts, led the Association of Municipal Corporations to request extensions of the provisional or departmental order.<sup>4</sup> The extent to which this method was used may be judged from the fact that, in 1913, the Local Government Board issued ninety-three provisional orders under the Public Health Act (1875) alone (none of which were opposed), and twenty-three similar orders for the repeal, alteration, and amendment of local Acts and Provisional Orders (Confirmations) Acts.<sup>5</sup> Such a use of the power of 'subordinate legislation' reveals the extent of influence of the Local Government Board. The number of local Acts was much less than in the '90's. The figures are as follows: 1898-00, 173; 1912-14, 103; 1920-22, 119.<sup>6</sup>

§ 44. *Subordinate adjudication.* The encroachment of the departments on the province of the courts was of a

<sup>1</sup> Mr. Lloyd George was prominent in advocacy of the grant-in-aid.

<sup>2</sup> According to Alexander, 'Education in Scotland', in Harris, *Problems of Local Government*, p. 381 f., the Scottish Department of Education tended to increase the field of local discretion—yet as a rule would not sanction loans for new school buildings costing more than £12 per pupil accommodated.

<sup>3</sup> pp. 339, etc.

<sup>4</sup> *Annual Reports, Association of Municipal Corporations*, 1900, p. 77; 1901-2, p. 93 f.; 1903, p. 6 ('Secured Passage of Borough Funds Act 1903'); 1904, p. 37; 1920, p. 71. *Minutes, Annual Meetings*, 1904, p. 56 ('on lines of Private Legislation Procedure (Scotland) Act 1892'); 1908, p. 55; 1909, p. 30; 1919, p. 103 (ward alterations). In 1909 a 'Local Legislation Committee' replaced the 'Committee on Police and Sanitary Regulations' in H. of C.

<sup>5</sup> Bannington, *Public Health Administration*, pp. 41, 27, 291 (quoting Reports of Local Government Board).

<sup>6</sup> *Minutes of Evidence, Royal Commission on Local Government*, Part I, 1923, p. 153.

different nature. This had already been noted in the United States, in the matter of public utility regulation, etc. In England the growth of the 'quasi-judicial' functions of the government departments was a marked phenomenon of the decade.<sup>1</sup> It had its real beginning in the Education Act 1902, and was particularly prominent in the Housing and Town Planning Act 1909. Later it was determined that on certain questions of fact there was no appeal to the courts. The line between a judicial and an administrative Act is at best a hard one to draw. It is difficult to say where inquiry and decision end, and trial and adjudication begin. A new element of great portent in jurisprudence had entered all government, but it is the local rather than the juristic aspect with which one is concerned at this point. The departments were becoming arbiters for the local authorities.

§ 45. '*Bureaucracy*'. Any classification, such as the foregoing, may easily give a false impression, unless an attempt is made to picture the machinery in actual operation, both from the departmental and the local view-point.<sup>2</sup>

In this connection should be noted any evidence of bureaucratic tendencies. Unlike the Local Government Board of about 1890, the government departments desired further accretions of power, and now fought any transfer or devolution to smaller bodies.<sup>3</sup> How strong had been their power with Parliament may be judged from the fact

<sup>1</sup> For good brief accounts of this development, cf. Jenks, 'Rule of Law in Local Administration', in Harris, *Problems of Local Government*, pp. 204-212; Barker, 'Rule of Law', in *Political Quarterly*, No. 2, May 1914; Geldart, in 'Reviews,' *ibid.* No. 5, Feb. 1915, pp. 3, etc. Cf. *Journal of Public Administration*, Oct. 1924.

<sup>2</sup> In this connection, cf. Odgers, *Local Government*, pp. 242, etc.; Lowell, *Government of England*, vol. ii, pp. 293, etc.

<sup>3</sup> Cf. Odgers, p. 250 f.; Hobhouse, 'Local Government and State Bureaucracy', in Harris, *Problems of Local Government*, p. 400. For similar efforts of the Road Board during the war, cf. 'Reviews', *Political Quarterly*, No. 7, March 1916, p. 172. An order of the Local Government Board in 1910, which devolved some powers of supervision on the county medical officers of health, was exceptional (Bannington, *Public Health Administration*, p. 79).

that, while in 1902 their witnesses were the only ones appearing before the Select Committee on Local Loans to oppose a relaxation of central control,<sup>1</sup> subsequent legislation—far from relaxing such control—strengthened it. The government proposals in 1914 coupled a great increase in centralized control with financial relief. ‘The payment of a grant shall be subject to such conditions as may be prescribed by the government department concerned, with the approval of the Treasury, for the purpose of securing the efficient and adequate administration of any duties imposed on the authority by Parliament; and the grant or any part of the grant may be withheld if the government department concerned is satisfied that any of those conditions is not fulfilled, or that the service, in respect of which the grant is payable, has not been efficiently and adequately administered by the authority in any other respect.’<sup>2</sup> This followed the report of the Special Departmental Committee which had recommended such an extension of the control.<sup>3</sup>

Evidences of autocratic methods in such loan control were quite frequent. Loans for one object might be refused, because a town had not made what the Local Government Board considered to be adequate provision along an entirely different line.<sup>4</sup> The detailed attempts to fit the duration of a loan to the life of an improvement were not always successful, and in consequence towns might find themselves burdened with large and unexpected renewal charges upon current expenses, for the Board’s rule was to grant no loans not covered by assets.<sup>5</sup>

‘The Tuberculosis Order, which was made by the

<sup>1</sup> Grice, *Central and Local Finance*, p. 348.

<sup>2</sup> Finance Bill, 1914, Clause 2, Part iii (quoted in ‘Reviews’, in *Political Quarterly*, No. 3, Sept. 1914, p. 190 f.).

<sup>3</sup> Cd. 7315, 1914, p. 22 f. Cf. *supra*, p. 402.

<sup>4</sup> Bushell, *Central Control of Local Government*, p. 393; Hobhouse, ‘Local Government and State Bureaucracy’, p. 398 f., in Harris, *Problems of Local Government*.

<sup>5</sup> Dicksee, ‘Auditing’, in *ibid.* p. 252 f.

Board of Agriculture and Fisheries under the Diseases of Animals Act 1894, was stated to be issued in connection with the Milk and Dairies Bill. It has since been revoked . . . but it furnishes a striking example of the effect of legislation otherwise than by Parliament itself, to which the Association (of Municipal Corporations) has upon more than one occasion expressed their objection.' There had been no consultation with local authorities or previous publication of the draft, in spite of far-reaching alterations increasing local expense.<sup>1</sup> In 1912 the Advisory Committee to the Insurance Commissioners, on which there were representatives of the Association, was ignored as the commissioners 'did all things without consultation'.<sup>2</sup> The Local Government Board attempted to force port authorities to appoint the medical officer of health of a neighbouring district.<sup>3</sup> There was virtually no interchange of central and local officials though its desirability was admitted.<sup>4</sup> In certain instances the Local Government Board forced a borough to accept its audit under threat of grant withdrawal.<sup>5</sup>

All of these efforts were more significant in their implications than in the letter of their provisions.<sup>6</sup> As a whole, they indicated that Parliament and the central departments considered the cities incapable of deciding their own destinies in their own way, and that national interests demanded and would best be served by the increasing transfer of the *thinking* from the local to the

<sup>1</sup> *Annual Report, Association of Municipal Corporations*, 1909, p. 78.

<sup>2</sup> *Ibid.* 1912, p. 123.

<sup>3</sup> Bannington, *Public Health Administration*, p. 263 f.

<sup>4</sup> Bushell, 'Central Control of Local Government', in Harris, *Problems of Local Government*, p. 385. Also interviews, Ministry of Health, 1922.

<sup>5</sup> Clarke, *Local Finance Accounts and Audit*, p. 5. It was alleged that this was owing to previous irregularities in the authority's accounts.

<sup>6</sup> Birkenhead's scheme under the Housing and Town Planning Act was rejected without inquiry, because of 'insufficient details', though it had passed the Council with only one dissident (Nettlefold, *Practical Town Planning*, p. 151 f.).

central government.<sup>1</sup> The obsession with detail and precedent that had been marked earlier continued, and there was little or no evidence that the government departments were using their opportunities to engage in research<sup>2</sup> or to make available the experience of other countries. The Consultative Committee of the Board of Education could do little save give opinions when its advice was asked. The Board itself had only a minute staff for special inquiries, which in its turn had confined itself to descriptive matter rather than research.<sup>3</sup> On the other hand, its permanent staff for executive, clerical, and inspectorate work increased steadily. In 1913-14 the figures were 1,265. By 1922 the number had increased to 1,511.<sup>4</sup> As late as 1914 the Local Government Board had no intelligence department, and when finally formed its foreign branch in particular wellnigh lapsed.<sup>5</sup>

§ 46. *Resistance of the cities.* This impression of transfer of thought is weakened after an intimate study of the localities. Local self-government was too deeply rooted wholly to be checked or to give way to centralized bureaucracy. Eighty-two boroughs and county boroughs declined to apply for the grant toward the salary of the local Medical Officer of Health, in most cases to preserve local independence.<sup>6</sup> Complaints were loud, and there

<sup>1</sup> Cf. American comment on Ireland—forty-two administrative boards (Putnam, *City Government in Europe*, p. 27 f.). Cf. also Bushell, 'Central Control of Local Government', in Harris, *Problems of Local Government*, pp. 383-395; 'Reviews', in *Political Quarterly*, No. 3, Sept. 1914, p. 175.

<sup>2</sup> However, in 1913-14, the Health Insurance Joint Committee (Central) set up (a) an Advisory Council for Research (forty-two persons), (b) a Medical Research Committee ('Reviews', in *Political Quarterly*, No. 3, Sept. 1914, p. 173).

<sup>3</sup> Newton, *English Elementary School*, pp. 282 ff. Four such descriptive studies were listed in its *Report* as being published by the Board of Education in 1920-1 (Cd. 1718, 1922—cover).

<sup>4</sup> *Second Report, Select Committee on Estimates, H.C.*, 104, 1922, p. 2.

<sup>5</sup> Interview, member of staff, Ministry of Health, 1922.

<sup>6</sup> *Report, Local Government Board, 1914*, Part iii. (Cd. 7611, 1914), p. cxi.

was considerable active resistance. Occasionally new functions did not involve central control—particularly in the case of certain forms of municipal trading. The London County Council, in 1914, took the lead in securing data concerning ‘municipal statistics’.<sup>1</sup> In the larger cities, for the most part, the central departments attempted little interference, and almost invariably showed much restraint. Opinions were divided as to the effect on the localities. Certain points seemed to be agreed upon. The education grant system was resulting in a sacrifice of educational ends in order to earn grants,<sup>2</sup> and was also involving altogether too much clerical labour on the part of teachers and local authorities.<sup>3</sup> ‘Model by-laws’ were not proving a conspicuous success in meeting local needs of a peculiar nature.<sup>4</sup> Instances of restraint of action of the more progressive authorities were frequent enough to be noted.<sup>5</sup> Even the friends of centralization and of the grant-in-aid were unanimous in condemning many of the aspects these had assumed: yet they were more optimistic than circumstances would seem to warrant with regard to the possibilities of developing (by legislation or otherwise) a flexible, satisfactory system.<sup>6</sup>

<sup>1</sup> *Municipal Statistics*, 1915. Cf. ‘Reviews’, *Political Quarterly*, No. 1, Feb. 1914, p. 199 f.; No. 8, Sept. 1916, pp. 154 ff.

<sup>2</sup> Cf. p. 408.

<sup>3</sup> Cf. p. 574, footnote.

<sup>4</sup> Hiley, ‘Birmingham City Government’, in Muirhead, *Birmingham Institutions*, p. 124; Nettlefold, *Practical Town Planning*, pp. 136, 153; Wilson, ‘Administration in Sheffield’, in *Political Quarterly*, No. 3, Sept. 1914, p. 92; Report, Housing (Building Construction) Committee, quoted in Reiss, *Home I Want*, p. 79.

<sup>5</sup> For London County Council, cf. Lowell, *Government of England*, vol. ii, p. 216. Cf. also ‘City Councillor’ (E. D. Simon), ‘Reconstruction in Local Government’, in the *Athenaeum*, April 1918, p. 180. For Leith, cf. Webb, *English Poor Law Policy*, p. 82. For Dublin’s inability to rate for an art gallery (a gift), cf. Putnam, *City Government in Europe*, p. 27 f. For comparison of greater freedom accorded German cities, cf. Dawson, *Municipal Life and Government in Germany*, p. 458 f.

<sup>6</sup> Cf. p. 569.



## COMPARATIVE SUMMARY

§ 47. *Recurrence of extraneous factors.* There was less unevenness in municipal development than had resulted from the 'anarchy of local autonomy' in the United States. To the extent that a national minimum was desirable, the central system had the appearance of at least a moderate success. Yet the transfer of so much discretion to the central government must have been a factor—together with poor framework, bad area adjustment, and financial stringency—in bringing about a check to the growth of the vigorous municipal life with which the decade began. The extraneous factors that hampered the development of municipal self-government in 1870 and later were again operative.

§ 48. *City self-government.* It is not too recent history to attempt a general survey of the period.

There was first the ascendancy of the government departments. The idea of a national minimum in national services brought successive grants of control to central departments, so that they became the ultimate arbiter in all (save municipal trading) of the various services of city government. They developed their control over new schemes, appointment and discharge of officials, by-laws, annual codes, loans, and a considerable measure of ordinary finance and detail of administration. On the whole, with their growth of power have come sounder methods in their administration.

The new bases of the grants-in-aid were better understood; the method of 'preparation of schemes' for central approval was more flexible. Yet the departments were still more intent on 'enforcement' than on research. They still showed little or no interest in achievements outside the ordinary routine. Research and vision may come in time, with the greater responsibility; just as these came in American departments which—not being endowed with power—had to win their way into local

confidence and gain a position of leadership by the sort of research and vision so conspicuous by their absence in England.

One of the best indications of the relative emphasis on functions in English local government is the percentage of local rates (1920-1) devoted to each service:<sup>1</sup>

	Per cent.
Education and libraries, - - - - -	20.4
Highways, etc., - - - - -	19.2
Health, (i) old, incl. parks, baths, etc., - -	19.1
(ii) mater. and c.w., tuber., ven. dis., -	1.3
(iii) lunacy, etc., - - - - -	3.8
	<hr/>
Housing and town planning - - - - -	24.2
Poor relief - - - - -	.8
Justice, Police, Fire, - - - - -	14.1
Misc., - - - - -	7.7
General Govt. - - - - -	4.7
	<hr/>
	100

The period in both countries was one in which great avenues of effort were opened up with the advancement of scientific knowledge and the growth of humanitarianism. Yet in England the functional efforts—whether local, voluntary, parliamentary, or departmental, in their initiation—were so great as to make assimilation by the existing machinery very imperfect.

Municipal trading was free to develop, and flourished in the United Kingdom. It was checked and hampered in the United States. In general, other functions—even health—found the freer American cities surpassing the British in initiating new phases. Yet the enforced national minimum and central stimulus of Great Britain compensated in a large measure, so far as functional results were concerned.

The divergence in the framework of the countries continued. On the whole, the American independent executive or small commission seemed better adapted to

<sup>1</sup> *Report, Ministry of Health, 1922-3, p. 70.*

correlate the great, complex growth in functions, than did the British system with its failure to provide leadership to look after the more general interests of the city. The problem of annexation was a more difficult one in England, but adjustment with the county was more satisfactory. American cities were rapidly attaining the responsibility that comes through simplicity of framework, which had for so long been one of the strongest points of the British charters. The financial stringency, with the 'ratepayers' psychology', complaints of 'burdens', etc., that grew more and more potent as a handicapping factor in England, was of relatively minor importance in America—where greater opportunities for local revenue made unnecessary a reliance on subventions.

In the matter of local self-government, the period marked a transition for both countries—but in opposite directions. The United States cities were acquiring home rule, while the British cities were being legislated for by Parliament and departments that thought pre-eminently along national lines.<sup>1</sup> The growth in administrative centralization in America (except in public utilities) affected practically only the rural districts.

§ 49. *Local popular interest.* England had no parallel to the wave of direct government in America; for its tradition was representative government by the more intelligent, while America seemed to insist upon equality of ability. Nor was there an English parallel to the 'home rule for cities' movement of America, for Parliament believed itself better able than the cities to legislate with regard to the many functions of national interest. England did not parallel the search for knowledge from the governmental experience of other countries, that flourished in America.

<sup>1</sup> 'The nation . . . exercises a degree of control over details of their (i.e. British cities) local administration which no American legislature would dare attempt to enforce upon an American city. . . ' (Putnam, *City Government in Europe*, p. 27 f.).

Broadly speaking, England trusted most her Parliament; less, her cities; and least of all, her people. America trusted least, her legislatures; more, her cities; and most of all, her people. In the former, humanitarianism inevitably became paternalism; in the latter, it became equality of opportunity.

It is very difficult to say whether there was any actual weakening of English local government morale during 1910-20, because issues were so complicated by the war. One can, however, see that there was no such increase of local municipal spirit as was noted in America. Furthermore, a close examination will disclose that the evidences of municipal spirit in this decade were more of a *defensive* nature than in former times. There was more concentration on seeking relief from local burdens than in devising local ways and means to meet them. There was more local effort spent in opposition to increases in central supervision, and less pressure for new local powers. The 'purchase price' of a new local activity was steadily rising. Post-war efforts disclosed the need of greater financial inducements to localities to undertake services which they had by this time been taught to consider *national*, but which American cities vied with one another in extending as part of their *local* 'city building'.<sup>1</sup>

The attitude of the average voter was chiefly indifference mixed with grumbling. Actual interest in city government probably declined among the citizens in general,<sup>2</sup> and seemed to be confined largely to voluntary organizations concerned with proposing or opposing expenditure. The larger British cities had the same pride that American cities had, but it was often confined to the councillors. The citizens at large had had far less responsibility through direct government than those in America.

The spirit of public service on the part of those in power in the cities had become more nearly equal in the two countries. The complaints of 'axes to grind' in

<sup>1</sup> Cf. pp. 299, 300, 302, etc.

<sup>2</sup> Cf. p. 371.

England had become too frequent to be an accident.<sup>1</sup> The quasi-judicial functions of central departments and even of the localities grew in both countries, and have been held to be a danger to the traditional 'rule of law'. Other points of comparison in this period come so close to matter in Part II that they are better left for later consideration.

§ 50. *Conclusion.* The period closed with finance, housing, education, framework, area, still unsolved problems for British cities; as police, corruption, the spirit of public service, and respect for law were still unsolved for the cities of the United States. Curiously enough, *each country seemed to be strong where the other was weak.* Hence, with a just expectancy of light upon their mutual problems, one may turn from the historical background to a comparative analysis of the two countries.

<sup>1</sup> *Report, Poor Law Commission* (Cd. 4499, 1909), p. 102; Harris, *London*, p. 98 f.; Lowell, *Government of England*, vol. 2, pp. 150, 197; Atkinson, *Local Government in Scotland*, pp. 49 f., 167; Bannington, *Public Health Administration*, pp. 57, 63; Dawson, *Municipal Germany*, p. 263; Labour Party, *Hand Book of Local Government*, pp. 38, 44.





